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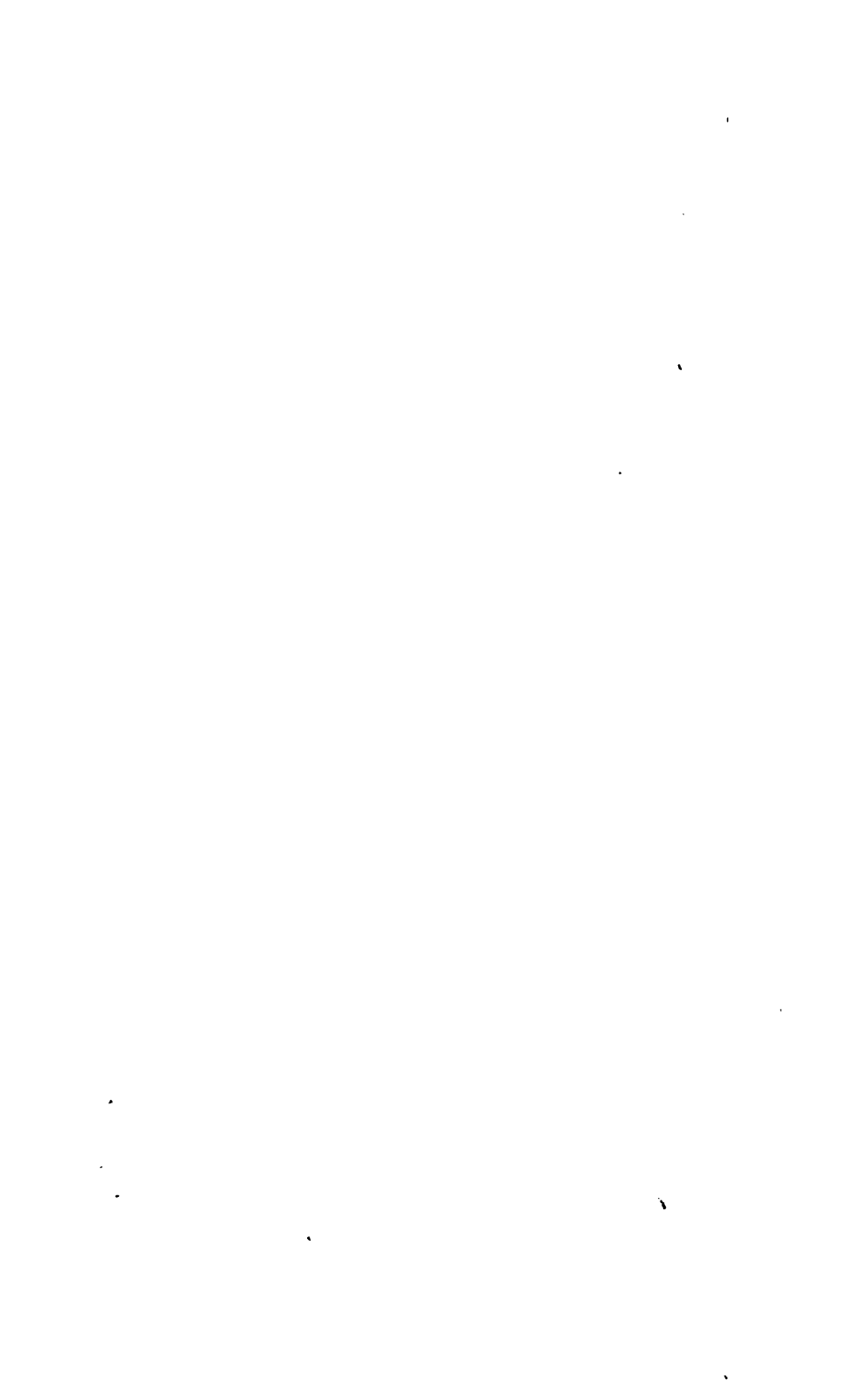


**FROM THE BÈQUEST OF  
CHARLES SUMNER**

**CLASS OF 1830**

**SENATOR FROM MASSACHUSETTS**

**FOR BOOKS RELATING TO  
POLITICS AND FINE ARTS**





THE  
SPEECHES  
OF  
THE LATE RIGHT HONOURABLE  
SIR ROBERT PEEL, BART.  
DELIVERED IN  
THE HOUSE OF COMMONS.

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WITH A GENERAL EXPLANATORY INDEX,  
AND A  
BRIEF CHRONOLOGICAL SUMMARY OF THE VARIOUS SUBJECTS ON WHICH  
THE SPEECHES WERE DELIVERED.

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IN FOUR VOLUMES.

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VOLUME I.  
FROM 1810 TO 1829.

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## PREFACE.

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THE SPEECHES of SIR ROBERT PEEL, as delivered in the House of Commons, and faithfully recorded in these volumes, may be considered as the perfect reflex of this distinguished orator's Parliamentary career, and the political mirror of the eventful age in which he lived. During a period of forty years he was the moving spirit of every important public measure; and perhaps no statesman of ancient or modern times ever possessed a more commanding sway over the minds of men. His eloquence, possibly, was not of the first order. He had not the fire and energy of Chatham, the imagery of Burke, the versatile genius of Canning, or the brilliant oratory of Sheridan; but he displayed those requisites which are far more essential to a great statesman—a thorough knowledge of the various subjects on which his speeches were delivered, and the most perfect clearness in the development of his views; while dignity of expression, a purity of diction, and unaffected ease imparted a charm and a grace to all he uttered.

Sir R. Peel was born at Chambey Hall, near Bury, in Lancashire, in the year 1788; and in 1809 he entered upon his Parliamentary career by being returned to the House of Commons as M.P. for Cashel. The House was not then devoid of men of talent and power with whom he had to compete. There was Grattan, an orator who felt intensely the wrongs of the Catholics; and there were Windham, Tierney, Whitbread, Wilberforce, Percival, Canning, Castlereagh, Romilly, Parnell, Palmerston, Brougham, Rawlinson, and a host of minor orators, amongst whom Peel had to rise. But circumstances were favourable. Canning and Castlereagh had just fought their celebrated duel, and resigned their offices. The Duke of Portland having also retired, the premiership devolved upon Mr. Percival, with whom the Earl of Liverpool, the Marquis Wellesley, and Lord Palmerston took office. Parliament was on the eve of assembling; and there was the disastrous Walcheren campaign to be defended. To young Peel, who had just entered into Parliament, was entrusted the seconding of the Address in answer to his Majesty. This—his spirited maiden speech—forms the first of the voluminous series here presented to the world. He shortly afterwards addressed the House on the bringing up of the Report of Lord Porchester's committee, condemnatory of the expedition to the Scheldt; and again he spoke for the rejection of the

petition from the Livery of London as to the committal of Sir Francis Burdett. Neither of those speeches, however, equalled the promise of his first effort ; but this was surpassed by his speech of March 18, 1811, upon the Peninsular war, in which he defended the conduct of Lord Wellington. This admirable address brought Peel, for the first time, into office. The Premier, Percival, was so pleased with it, that he expressed his determination to raise him to the cabinet ; but his melancholy death defeated this intention. On the accession of Lord Liverpool to office, however, Mr. Peel was appointed, in 1812, to the Chief-Secretaryship for Ireland. In this position he soon displayed the highest capabilities for business, and brought in a bill, which was subsequently carried, for establishing the Constabulary force of Ireland,—a corps which has since been of great utility in the preservation of order in the Sister Kingdom.

About this period Mr. Peel changed his constituency from Cashel to Chippenham ; but in 1817 a vacancy occurring in the representation of the University of Oxford, on the elevation of Lord Colchester to the peerage, he was honoured with the choice of his Alma Mater as the representative of that distinguished seat of learning. In 1818 he resigned the office of Chief-Secretary for Ireland, and assumed the position of an independent member of Parliament, but still continued to take part in all the important debates which arose from time to time. In 1819 he was appointed chairman of the great Bullion Committee, which consisted of some of the most distinguished statesmen of the day. As a consequence of the report of that committee he took charge of, and on the 5th of April, 1819, brought in a bill for authorising a return to CASH PAYMENTS ; and the same night, by means of a suspension of the standing orders, that important measure of finance, which bears his name, passed through the House of Commons ; although, at the time, it was strenuously opposed by his venerable and respected parent, Sir Robert Peel.

In January, 1822, Mr. Peel was appointed Secretary of State for the Home Department, which office he resigned when Mr. Canning became minister in 1827. But the Duke of Wellington having been called to the councils of the Sovereign, on the death of Mr. Canning, in 1828, Mr. Peel again resumed the office of Home Secretary, and held that important situation during the troublesome period that preceded the dissolution of the Tory ministry in 1830.

Up to this period of his Parliamentary career, Mr. Peel had been a strenuous opponent of CATHOLIC EMANCIPATION ; and his junction with the Duke of Wellington, who was known to have become favourable to that measure, gave strong offence to many of his old supporters. Mr. Peel then averred that, although his feelings remained the same as they ever had been, the claims of the Catholics could no longer be withheld with safety to the State. Accordingly he brought in a bill for removing their political disabilities, which, after considerable opposition, passed through the two Houses of Par-

liament. The sudden and unexpected change of sentiment, which the right honourable gentleman had evinced on so important a question, gave great offence to his Oxford constituency. Hence he lost his re-election for the University, and was compelled to accept the little borough of Westbury.

We now enter upon a most important period of Parliamentary history, which for a short time arrested the ministerial career of Mr. Peel, and placed him, as a simple member of the House of Commons, in direct opposition to the new cabinet. The French revolution of 1830 had imparted a sudden and almost universal impulse to the long-contested question of PARLIAMENTARY REFORM. It would be foreign to our purpose to enter upon the history of the great Reform movement of that period; but suffice it to say, that on the postponement of the King's visit to the city, and the defeat of the government on Sir Henry Parnell's motion on the civil list, the Wellington administration was annihilated, and Sir Robert Peel ceased to be Secretary of State for the Home Department. All his fervid eloquence, in opposition to the Reform Bill, proved unavailing; and the measure was triumphantly carried, under Lord J. Russell's administration, through both houses of Parliament.

During the progress of these political struggles, the death of Mr. Peel's father took place; on which the honourable gentleman succeeded to the baronetcy, with an amount of property that rendered him one of the wealthiest Commoners in England. With the demise of his father he gained the seat for Tamworth, which he occupied to the time of his death.

On the dissolution of the Melbourne administration, in 1834, the Duke of Wellington was sent for to form an administration. His Grace at once despatched a messenger to Italy, where Sir R. Peel was then sojourning, and offered him the Premiership. He immediately returned to England; and, after forming an administration, dissolved the Parliament. The new Parliament assembled on the 9th of February, 1835. Sir Robert's government sustained several defeats, and on the 8th of April he and his colleagues resigned. The Whigs then returned to power, and retained their position until 1839, when they were virtually defeated on the Jamaica Bill, and retired from office. After an unsuccessful attempt, on the part of Sir Robert, to form an administration, the Liberals once more resumed their places on the Treasury benches, which, in defiance of frequent defeats, they continued to retain till 1841.

It was at this period that the Whigs, perceiving the great change that was taking place in public feeling on the subject of the CORN LAWS, determined, after sustaining a defeat, to assemble a new Parliament. The returns proved unfavourable to the free-trade cause; and in the autumn of 1841 the ministers had to meet a Parliament which presented a majority of nearly 100 members against them. On making this discovery the Whigs resigned; and Sir Robert Peel, as the leader of the Conservatives, and the great champion of



the country party in defence of the Corn-Laws, was once more summoned to form a ministry. Entering office with a declining revenue, and the pecuniary affairs of the country involved in the most inextricable confusion, Sir Robert received almost unanimous support in his introduction of the INCOME TAX, accompanied, as it was, by modifications of the TARIFF, which were indicative of a liberal commercial policy.

Shortly after the opening of the session of 1845, the government of Sir R. Peel proposed one of the most sweeping alterations of the tariff of the country that has ever been carried into operation. Sir Robert then found the power of the Anti-Corn-law League and the force of public opinion too strong for further resistance; and to the astonishment of his party, and of the nation at large, on the opening of the session of 1846 he brought forward his celebrated measure for the total repeal of the CORN-LAWS,—only allowing three years for their progressive extinction. The speeches in defence of his free-trade policy are among the most powerful and effective which he ever delivered. In them he threw off all his studied caution, and all the trammels of party. He then avowed himself as “the minister of the nation, and not of any section of the House. The Queen (he maintained), and not any party, had called him to office; and he was answerable for its best exercise only to his conscience and to the country.” After many violent and protracted discussions, his measures for the repeal of the Corn-Laws were triumphantly carried; and Free-trade was thus solemnly inaugurated as the cardinal policy of the land.

Sir R. Peel, however, was but a short time in office after carrying this important measure. A coalition of Whigs and Protectionists expelled him from power on the Irish Coercion bill; and Lord John Russell was again appointed to office. From that period, down to the occurrence of the fatal accident which terminated his valuable existence, Sir R. Peel, though not in power, could scarcely be said to be in opposition to the government. Through all the difficulties and trials of the Whigs, he gave them his generous and powerful support; and Lord John Russell, on paying the last tribute to his memory, candidly acknowledged that his government had uniformly received “the cordial and constant support of the right hon. gentleman.”

We have thus given a brief summary of the leading events of Sir Robert Peel's Parliamentary career, in order to enable the readers of the important Speeches contained in these volumes to judge of the position of parties, and to ascertain which were in the ascendant at the respective dates when they were delivered; and we may now conclude by saying, in the language of the Roman lyricist, that they have raised a monument to his distinguished memory —“*ere perennius.*”

# GENERAL INDEX

TO THE FOUR VOLUMES,

EMBRACING EVERY SUBJECT ON WHICH THESE SPEECHES WERE DELIVERED,  
FROM 1810 TO 1850.

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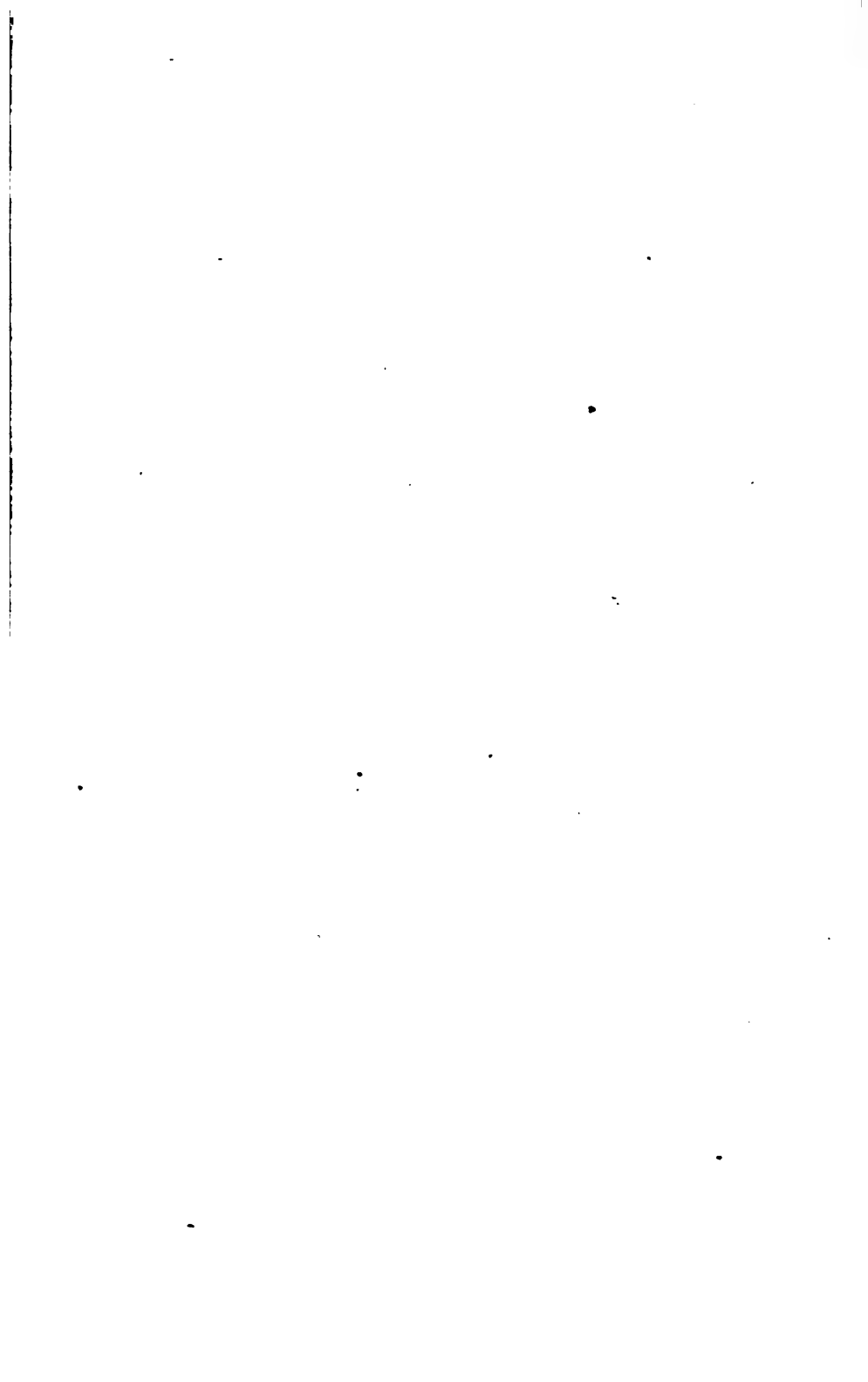
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# THE SPEECHES

OF

THE RIGHT HON.

SIR ROBERT PEEL, BART.

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## INTRODUCTION.

THE interest of Parliamentary Oratory has of late years greatly increased. In the time of Woodfall and the Letters of Junius, it had a young but a powerful sway; and we are indebted to the splendid memories of those days of genius, when the greatest men in the country had to be *listened to*, and *recollected*—when what was *phonetic* was *nothing*, but what was *faithful*, *everything*—when Pitts, and Burkes, and Tierneys—Foxes, Whitbreads, and Sheridans, rode upon the wings of the lightning, and yet had truth and memory to carry the flashes away. Some way or other, England, in every majestic instance, recorded the fire of her storms! But of late years, we have had *certainty* in the place of *memory*. The Orators of bygone days—the manly Huskissons, the silvery Cannings, besides the other great creatures we have named, the erratic and fluent Brougham, the valiant and chivalrous Burdett—these, and with these, *many* whose names we may *respect*, and yet *omit*, have found the value of being reported from the *pencil* as well as from the *mind*. But their glory grew upon them; and at first they appeared in sketches, at last in finished portraits. The Breach of Privilege of a former day has become the Privilege of this. Parliamentary reportership is now at its perfection—the acmé is reached, to have gentlemen to catch the readings, gentlemen to listen with a fervour which minds the orator and not the man, gentlemen to record the mental *pabulum* which is to feed the people on the morrow—in a word, you daguerreotype the speaker in the speaker's house; and society receives the portrait with a belief in its reflection, and a conviction of its fact!

The Speeches of Sir Robert Peel are in themselves *HISTORY*; but if we could attach to them a character of less personal importance, we might find it in the strong and vivid earnestness with which he is displayed in print. It is quite philosophical to say that the men who reported him must have felt his eloquence: we do not mean that fine eloquence of inspiration which comes from genius alone, but the eloquence

of common sense, which puts business into its breathing, and leads commerce with its voice—which begins all things with deliberation, is cautious in its utterance, and clear in what it propounds—which has always a bulwark, and always a defence—which is too strong to be maim, too quiet to halt—which has had its self-dignity ready before it began its work—and at last makes an impression to which society is faithful, and the immediate reporter literally true.

No man was ever more faithfully reported than Sir Robert Peel. We are about to reprint his speeches, and in doing so, we are stamping the impress of the man. Let him come before the world with all that grand political egotism which had prepared its confidence, and launched its opinions upon a safe voyage—which seldom attempts an experiment before it arrived at a result—which, therefore, never bullied with impotence or boasted in vain.

One of the most striking elements in the speeches of Sir Robert Peel was the preconceived assurance which had fought its battle before it came into the field which knew of its victory before it began its war. The ex-Premier was the greatest domestic diplomatist our home legislation ever saw. But to the readers of this work the fact of his having been finely and generously reported will be a great fact. He is brought out by his speeches in the full grandeur of his career; he utters grand oracles by the voice of Parliament; he leaves his name in burning letters behind him, upon the very floor upon which he has stood and startled society; he is alive, brilliant, memorable—though dead, extinguished, and no more!

Sir R. Peel has been a grand creature! What he *did*, has become part of the magnificent history of England! What he *said*, while he did it, is an admiration for the present, and an example for the future; and in the compass of this work will be contained, during its period, all the glory of the country, and all the greatness of the man.

The oratory of Sir Robert Peel must take its anchorage in its *sense*; but he lived in a time when there was no general oratory to rival his political strength, and no political position to trample upon his egotism, and few political defeats to confuse his convictions or crush his judgment. He was, in fact, generally as calm in speech as in thought.

He spoke slowly; but when he spoke with apparent earnestness or excitement we always felt a kind of distrust of the passion—we doubted its reality. The House of Commons was clearly his native sphere—every where else he seemed to be away from himself. He was not festive at festivals; he was only grateful, but never enthusiastic, at ovations; he was a good man, over whose destiny home affection had one holy sway, and public duty another; but he held the reins over his own spirit with a severity which was murder to his vanity, but glory to his virtue.

We print his speeches with a degree of pride which is the result of a belief in their practical wisdom, and in the moral courage of the man. It would be nonsense to run away from their contradictions, or to attempt to escape from the fact that, with an eloquence peculiar to the personal history of the man, they almost refute each other. He seems to have been calm, conscientious, plausible, and sincere, upon

nearly every side of every question. There is scarcely a denunciation respecting the ruin of the country which he has not, in speech, converted into a means of its salvation; and it is therefore highly necessary that, when the speeches become concentrated, dated, and chronologically arranged, as they will be in the present publication, the retired mind, not perhaps thoroughly acquainted with history, should prepare itself for very startling inconsistencies, and very astonishing changes of educational opinion.\*

Yet we are bound, with honourable, and only honourable allowance, to take the speeches of an expedient statesman with a certain amount of reference to the circumstances of their expediency; and the altered fortunes and destinies of a great nation, may make good pleadings for those who have to sway them under their changes, and to work their welfare under the banner of woe. The pressure of the multitude against the man is to be measured also, and the yielding ought seldom to be taken for cowardice, and often for prudence.

Peel's oratory, however, may, in spite of every opposition, be called the oratory of triumph; and his speeches are, in reality, little more or less than the milestones of so many victories.

When human nature has to pass its varying and imperfect judgment upon the proud volumes with which we are instructing its patriotism and inspiring its intellect, it may wonder at the marvellous fountain of intelligence which has sent its golden river out of the orator's brain, to fertilize the bosom of his country.

How many subjects did he study? How much national wealth did he devise? What part of the nation's affliction did he not probe into? How ardently did he seek to divert it from its course? He never spoke for riches—he was above them. It was natural for him to make a throne of his lip, and to make charity sit upon it to smile on poverty!

But see how many things he had to think of for the people's sake. With them all, and among them all, to remember his ambition and his allegiance, his dangers and his duties, to lavish his patrimony, to toil, to think, to be cheerful, and, in the plenitude of his statesmanship, to bring bread to the nation, night after night, in the Commons' House, to give strength to the very meat of knowledge, and to leave behind him the splendid legacy of power which we take without bequeathment, and to which we administer without reserve!

The readers of the following speeches should read them carefully; for they are the sermons of the political mind, and the solemn preacher is dead! They have not in them that kind of truth which determines character; but they exhibit the wonderful anxiety of conscience which tries the soul; they tell of beliefs which seem to have been gained by a young and strong judgment, and afterwards of predilections vanished, foundations shaken, and friendships touched and trembling

\* The chronological mode of arrangement has been determined on as better calculated than any other to show the march of public events—the intellectual advancement of Sir Robert Peel in his political career—and also the progress and successive changes of his political opinions. Sir Robert Peel's speeches afford material for a curious and deeply interesting metaphysical or psychological study.

under memory's roof. Peel was rich and suffered—persecuted and generous—distracted, yet determined—and leaving behind him the memory of virtues to which the memory of his vacillations is as dust to gold.

When we take a glance at the topics which form the staple of Sir Robert Peel's career of oratory, we are startled at the grand array which his mind had to take within its grasp. He had to fight or to unite with Perceval, Liverpool, Canning, Huskisson, and Wellington; and in his time, and in the very speeches which we here adduce, he had to speak with a multifariousness of demand upon his brain for which no career of statesmanship furnishes any parallel.

In former days, public demands came neither so fast nor furious—events had not reached their climacteric of education—the public opinion came slower and more considerably to its ends: in short, steam was not in vogue, nor the electric telegraph invented. The statesman had more repose; he never could have been beset by the difficulties which a quick, sensible, and importuning people, now bring him every day to his door.

But Sir Robert Peel had, in altered times, and under an advanced period, to devote his attention to the Ballot, amongst other luxuries—to Banks and Bankers—to the Catholic claims—to the Church, with all the intricacies of its tithes, its splendour, and its Dissent, to its Rates, its Property, and its Puseyism—to Scotland, to Ireland—to Freekirkism and Catholicism—to the Colonies, including all the Indies, all the places of Transportation and Rebellion, the Canadas, the Australias, and the Cape—the Corn Laws of every description—the Currency, the Fine Arts, the Schemes of Emigration, Foreign Affairs, Jurisprudence, the Magistracy, the Military, the Pension List, and the Police—Railroads, Reform, Repeal of the Union, the Poor Laws, and the Press. And then add to these, Taxation, Trade, Peace, War, and the last speech upon the Palmerstonian Policy, and we have, we think, adduced at least the claims upon his brain which Sir Robert had to undergo, and the claims upon the nation which he has left behind him.

His speeches are, at all events, immortality, and now they will speak for themselves.

# SPEECHES.

## STATE OF THE WAR.

JANUARY 23, 1810.

THE Session was this day opened by commission; and Lord Bernard having moved an address to His Majesty upon the occasion, Mr. Peel rose to second the motion.—Mr. Peel was first returned to Parliament as a representative of Cashel, in Ireland. He had occasionally offered a few remarks in the way of information or explanation; but the following was the first set speech that he delivered—virtually his *maiden* speech. As such, and as illustrating the state of public affairs at that time, it is full of interest; and it is yet more important from the fact, that it was this speech which procured for him the Under-Secretaryship of Ireland; a noble compliment to his talents, from the Prime Minister of the day, the Hon. Spencer Perceval.

In seconding the motion, Mr. PEEL said, that he would not have obtruded himself upon the attention of the House, had he not been convinced that they would extend to him the candour, indulgence, and patience granted on former occasions. In the course of his Majesty's Speech, wherein he had taken a review of the events by which the interests of this and of other countries had been affected, his majesty had had the painful duty to lament, that the issue of the struggle of some of his allies, for liberty and independence, had but little corresponded with the hopes he had indulged; but it was some consolation to reflect, that the misfortunes could in no degree be attributed to the line of conduct his majesty had deemed it right to pursue. Austria, goaded by injury, and provoked by insult, had entered into a war without the advice of his majesty, where she had to fight, not merely for her national honour, but for her existence as an independent State. When she was called upon to acknowledge the right of a man to the crown of Spain, whose only title was usurpation, she found herself compelled to employ for her protection those troops that, in imminent expectation of hostility, she had collected round her throne. No share of the disasters which occurred was to be imputed to her thirst of hostilities. It had been authoritatively intimated to her by France, that she must at once reduce her forces; and the reduction was to be brought to a standard that would have made her powerless before the first enemy that willed to attack her. This was not to be done, while a sword remained in her hands, while she still retained a remnant of her vigour, while she could appeal to her people, and call on their loyalty and their feeling to aid her in the battle for their common security and glory. A new crisis appeared to be approaching. There were evidences before her eyes of the vigour which might be displayed by a people in defence of their privileges. Spain was immediately within her view. She saw that great and unfortunate country rising against the treachery of France. She saw her, suffering as she was, under all the visitations of a desperate and sudden violence, nobly rise and repel its ravage, prefer a glorious and uncertain struggle to a silent and dastardly dependence, and drive the invader before her rude heroism. Was it to be imputed as a folly to Austria, that she admired so glorious an example? Or as a crime to the British ministers, that they were anxious to give her strength and support to emulate its renown? Buonaparte had declared, that the fate of Austria depended on a single battle. He might have, with still more truth, acknowledged that his own destinies were balanced on the same doubtful and unfixed decision. It was then the season for giving our effectual aid. Subsidy had been given: but the aid of a generous people was to be more active. It was then that the utmost exertions were made by his majesty to complete an armament, which would, as much as possible, forward the general cause, by rendering assistance to the emperor of Austria. The question arose to what point it should be directed; some asserting that, without

injury to Spain, we should concentrate all our disposable force, and land them on the coast of the Adriatic, whilst others insisted that the north of Germany was the point, where the scene of action should be laid. This was not a time for debating the merits or demerits of that expedition, and gentlemen would remember, that if they did enter into that question, they were not to make comparisons between what had actually been effected, and chimerical speculations of what might have been performed. They were to compare the design with the object attained, and not to stray towards plans that existed only in imagination, and which never could be reduced to practice. They must contemplate also, the connection of events which it was not in the power of the wisest to control. It was easy to feel the difficulties of what had been tried, and to imagine the facilities of what had been only projected: but wise men would judge according to another measure of reason—feel the essential difference between the solid impediments of an actual practice, and the smooth and fanciful progress of an untried theory. While the expedition was on the eve of sailing, intelligence arrived that damped the ardour of the warmest, and clouded the hopes of the most sanguine; but it still remained for his Majesty to fulfil his part, and though one object might be lost, there remained one of importance to be attained. Austria suffered a defeat, but she was not undone: she had an armistice; she was still not unable to struggle, and struggle successfully for empire. The armament in the British ports might still protract the evil day. Even in the final defeat of Austria there was much to be done: it was not unsuited to a wise government to break a hostile force which was growing up on the opposite shores; there was no additional expense to be incurred; no further deduction from the strength of the British people. The force which had been assembled for the aid of Austria, was directed to the coasts and arsenals of the enemy; thus attracting the attention of the hostile forces, and at once operating an important diversion in favour of Austria, and an essential service to the security of Great Britain. After his Majesty had turned his attention so unceasingly to the interests of his allies, it was natural that he should direct his views to an object that immediately affected the security of his own dominions. But the efforts made for the accomplishment of great objects in the north, had not withdrawn the vigilant attention of his majesty's government from the affairs of the Peninsula. There, too, every means had been resorted to for arresting the progress and defeating the objects of the enemy, and if entire success had not attended all the operations in Spain, it was solely attributable to the physical deficiencies of the country. He lamented the misfortunes of Spain. He felt a deep and painful regret at the evils which even the brave efforts of that devoted people had not been able to avert. There were evils in the constitution of that country which might have made its energies feeble; but the British name had come pure out of the trial. The army of the empire supported the character of superiority, which they had always upheld in the battles of their country. On the 22d of April, Lord Wellington took the command of the British army. In May he drove Marshal Soult before him, and rescued Portugal. He advanced into Spain. His advance was met by the force of France, under the immediate command of the person who called himself the king of Spain. In a bloody and unequal contest, he established, by one more brilliant evidence, the comparative bravery of the British soldier, and earned for his troops the just and well merited praise which we had been accustomed to give to our armies when they meet the enemy! That army retreated from the scene of its triumphs: but there was no shame in a retreat like theirs. We were still a civilized people; we had not learnt to discard our humanity; we had not yet reconciled ourselves to throwing off the burden of human feelings, that we might go on light and dexterous to the work of human misery. We could not adopt the summary expedients of modern war; we could not involve the wretched peasant in the calamities from which our own privation may spare him. We could not bring ourselves to force its bread from the lip of poverty; we could not feed upon requisition, and calculate our revenue upon plunder. Our army will not subsist where the troops of the enemy will riot. A British force could not glut on the wretchedness of a suffering people; a British army could not, on entering a plundered town, strip the miserable inhabitants of the scanty remnant which rapacity itself had left them. Whatever might be said of the British army in Spain, or of its commanders, it had afforded to that people a glorious

example, which he hoped, in future days would be equalled, but could never be excelled. To the affairs of America it might be indecorous for him in their present situation to advert, nor should he, after the observations in his Majesty's Speech, enter into any inquiry as to the conduct of the Ministers. If the honour of the nation were at stake, however we might regret the revival of hostilities, or the injury to our trade, it could not be a matter of hesitation. But of the effects a war with America might produce upon the commerce of this country, we might be able to form some judgment from former experience. During the embargo, the amount of the exports to and imports from the United States was unquestionably decreased, but this loss was amply counterbalanced by the direct trade carried on by our merchants to Spain and her dependencies. England desired neither peace nor war, but she would suffer no indignity, and make no unbecoming concessions. With every engine of power and perfidy against us, the situation of this country had proved to Buonaparte, that it was invulnerable in the very point to which all his efforts were directed. The accounts of the exports of British manufactures would be found to exceed, by several millions, those of any former period. With regard to our internal condition, while France had been stripped of the flower of her youth, England had continued flourishing, and the only alteration had been the substitution of machinery for manual labour.—The honourable member begged to be allowed to say a few words upon the nature of the Address he rose to second. In his opinion, it contained nothing which could prevent its unanimous adoption. It had been prepared to obviate all objection; it called for no pledge to approve of what had passed, and opposed no impediment in the way of inquiry; but he feared that some objection would, notwithstanding, be raised to it, for the aggression, usurpation, and tyranny of Buonaparte, formed the only subject upon which all parties united. But to resist him in his encroachments effectually, unanimity was absolutely necessary, and the nature of the contest in which we were engaged, required that every heart and hand should be joined to give strength to the common cause. He hoped we should still be able, as we had hitherto been, to ride in safety through the storm that had destroyed the rest of Europe, and that we should still stretch forth a hand to succour those who were yet struggling for life against the angry waves. To be successful in that generous course he felt that they must be unanimous; he felt that there could be but one sentiment among the men to whom he addressed himself, and that that sentiment must do honour to themselves and to their country.

An amendment to the address was moved by Lord Gower; but, after a long debate, the original motion was carried by 263 against 167—majority, 96.

## EXPEDITION TO THE SCHELDT.

MARCH 30, 1810.

On the first night (March 26) of the debate upon the policy and conduct of the Expedition to the Scheldt, Lord Porchester rose to move two sets of resolutions, founded on evidence taken at the bar of the House, during a laborious and important investigation, which had occupied much time and attention since the commencement of the Session. The Resolutions were of a condemnatory character. Lord Castlereagh spoke in defence of the Expedition. On the second night, General Crawford, approving the conduct of the Army and Navy—proposing the previous question to the Resolutions of fact, because they were unnecessary—and directly opposing the resolutions of censure, moved a series of Resolutions of an opposite tendency. On the fourth night,—

Mr. PERL observed, that it was his intention shortly to state the general grounds upon which he was induced to support the amendment of the hon. general (Crawford) in preference to the rigorous Resolutions submitted by the noble lord (Porchester). His first reason for that preference was, that he found it established by the evidence upon the table, that his Majesty's ministers had determined upon that armament with the fairest prospect of success. The right hon. gentleman (Mr. Bathurst) had argued, that ministers were not justified in risking such dangers as that expedition was exposed to, merely because the country, at that moment, had at its command a very



large disposable force. That the safety of such a force should not be committed, but for objects likely to be effected, and with advantages commensurate to the hazard. He (Mr. Peel) admitted the political axiom, but denied its application. These were objects which, to him, were of the most commanding importance. Was it necessary for him to refer that House to the increased and increasing marine of France? Was it necessary for him to dilate in that assembly upon the facility which the ports and arsenals in the Scheldt afforded for the consolidation of that naval power? But, though his Majesty's government could not suffer such a danger to the security of this country to escape their contemplation, was there not something in the period at which this expedition was determined on, which must of itself convince them that the moment had then arrived for combining with our own security a most powerful effort for the general interests of Europe? What, he would ask, would have been the decision of the country, if it had seen its government sunk in a cold and torpid inactivity at that period when the storm was gathering in Germany; when Austria was determined to make one bold effort to resist the unprincipled exactions of the enemy of her independence? In such a state of things, was Great Britain to continue regardless because she was not a sufferer—to be indifferent because she was safe? Having then decided to co-operate with Austria, where did true policy point at as the theatre for our exertions? France, we knew, wished to regenerate her naval greatness, and nature, combined with art, had fitted out the Scheldt as the most formidable position for extending her maritime power. Whether they looked to security from invasion, or to the protection of our commerce, ministers must have felt the necessity of making an attempt upon those sources of our annoyance. Could they have shut their eyes to a danger that was so palpable? Could they say that the cause of our apprehension was remote, or that its extent was exaggerated? Suppose that very danger realized; suppose this House now sitting in judgment upon the ministers who would have so sacrificed the interests of the country, and disregarded the duties they owed their sovereign;—with what justice, with what indignation, would the hon. gentleman (Mr. Whitbread) who, with such zeal and talents, talents which he (Mr. P.) would not presume to depreciate by the humble tribute of his panegyric, concluded the debate of last night, call them to answer for such a manifest dereliction of their public trust? Would he be satisfied with their defence or their extenuation, because they answered that Lillo and Liefkenshoeik were in a state of preparation and defence; or that the difficulties in the execution of the task had deterred them from the necessary experiment? If the House was prepared to give its sanction to such doctrine, if this tame and spiritless calculation of the risk became the criterion of national enterprise, then at once let it obliterate from the proud pages of its history the memory and the mention of all its heroic deeds. Then, if in the beginning of the Austrian struggle, the right hon. gentleman admitted this country should attend to the precepts of her ally, upon what principle was it that it should refuse to listen to her at the moment of her depression, when, though her spirit was impaired, it still was not subdued? In her vacillation between peace and war, when it was in evidence that she desired the retention of Walcheren, could his Majesty's government be justified in removing the only fulcrum upon which she rested for support? Sensible of the calamities our army was suffering, and regretting it as sincerely as any man in the empire, yet could it be supposed that any motive but that of the most commanding and positive importance would have induced his Majesty's government to defer the evacuation of Walcheren?

At the close of the debate there were four divisions; each and all in favour of ministers, and of General Crawford's Resolutions.

## PORTUGUESE TROOPS IN BRITISH PAY.

MARCH 18, 1811.

In a Committee of Supply, the Chancellor of the Exchequer, referring to that part of His Royal Highness the Prince Regent's message which related to a grant for further assistance to Portugal, moved that a sum not exceeding two millions

he granted to his Majesty, to enable him to continue to maintain in his pay a body of Portuguese troops, and to give such further aid and assistance to the government of Portugal as might be judged necessary. Mr. Ponsonby having spoken in opposition to the proposal,—

Mr. PERL said, that he had listened to the speech of the hon. gentleman who spoke last with great attention, but could not agree with him in the statements he had made, nor in the conclusions he had drawn. Several of the arguments he had used were such as might be applied with some propriety in the last session, but were totally inapplicable at present. Last year, when the House could only proceed upon conjecture, there was naturally great variance of opinion. There was then plausible ground for the doubts and differences which agitated the minds of men. The scepticism and despondent feelings of the hon. gentlemen opposite were then in some measure authorized by the recollection that France had just concluded a peace with Austria, and was prepared to employ its whole force in the Peninsula. We had now had experience of these additional levies, and could frame our calculations upon a sure foundation. The Portuguese had shown themselves to be equal to the combat, and warranted us in entertaining a sanguine expectation of their future exertions. Under what circumstances then did his Majesty now call upon the House to renew the grant of aid to Portugal? What last year was expectation, now was proof: what then was doubt, was now become certainty: what then was apprehension, was now confidence. The hon. gentleman had referred to speeches made on former occasions, and had, as usual, predicted evils, because he did not find them in existence. This, however, he thought, was a mode of treating the subject which came with rather a bad grace from that quarter, at the present moment, and was a species of defence very easily and very readily resorted to by those who had nothing better to set up. What had been the fate of those predictions which so boldly pronounced the unfitness of the Portuguese levies? We had been asked, what would become of the Portuguese armies in the event of our abandoning that country? Calumny, little, he conceived, in unison with genuine British feelings, had been lavished on their faithful and persevering allies. For his own part, he must deprecate and condemn the mode which had been so industriously made use of to influence the public mind against Portugal, and to excite unfavourable impressions respecting the issue of the campaign in that country, by publications of several descriptions, which were issued daily, weekly, and monthly, ay, and he could add quarterly, from the press. They had been tauntingly told, too, that the British name was unpopular on the Continent—that while France improved the institutions and reformed the governments of Spain and Portugal, we made alliance with their weakness and corruption. France was represented as conciliating the affections of the people by her works of regeneration; if so, what was the return she had met with from the rugged and ungrateful people of Portugal? They had united heart and hand in resistance to the invader, and were now in arms against him in greater numbers than had ever before been witnessed in that country. They had not waited to stipulate for reform, before they took up arms to resist the aggressor. Criticisms had once been passed on the impolicy of dispersing our force and wasting its strength in a multitude of unconnected operations; now the censure was, that that force was concentrated. The defence of the present measure, he conceived, might be rested, not only on its own merits, but on the concessions made by the hon. gentleman himself. It appeared extraordinary to him that it should seem to any hon. member necessary that the battles of Britain should be fought only on her own shores; for surely those who were anxious for her defence, and who saw the matter in an unprejudiced light, could not wish to see her armies unemployed, and would not suppose that they were idly to look on, while Buonaparte was drawing parallels and occupying heights, preparatory to his attack, and that no effort should be made to prevent his operations. It was something, in his estimation, that the fatal hour of that conflict had been at least deferred. Let the length of the war in Spain be but contrasted with the duration of those wars in which Buonaparte had strided with such rapidity over the prostrate dynasties of Europe. If, indeed, it was to be held that his march was irresistible, and that the Empire of the West must be finally established; if it was determined to be right that Europe should crouch before the Usurper, the arguments which had been urged that night must be admitted to be incontrovertible. But if this doctrine

was deserving only of contempt, then he could safely venture to say, that the Continent did not present an arena more fertile of advantage than the present scene of military action. The hon. gentleman had argued that the enemy could easily repair a defeat, or retrieve any disaster that might befall him. He remembered when much had been said in that House, and out of it, of the moral effect of one victory in facilitating the attainment of another—and there was truth in the remark: but he would ask, whether this effect was incapable of operating but in one direction? We had heard of the fate of Spain being decided on the Danube; but were British victories alone to be barren and unproductive in their consequences? Was the victorious career of an army like a talisman, whose magic effect extended from East to West, but could not be felt in an opposite course? If he wanted a criterion by which to form a judgment of the conduct of the war in Spain, he would look to the columns of the *Moniteur* for its panegyric—he would see in its altered tone, in its transition from insult to respect, the extorted confession of our glory and their reproach—and he would ask the House whether they needed any other document on which to found their vote? If it did appear, that with one-sixth part of our own military force we employed in Spain and Portugal one-half of the enemy's disposable strength, surely he might assume that it was the interest of the country to persist in the struggle, and to court the trial for an honourable issue.

Having dwelt so far upon the general question of the policy of the campaign, he should now beg leave to make a few observations upon the campaign itself. It would be unnecessary for him to dwell on the consummate skill and transcendent ability of the general who conducted it. But he could not help troubling the House with one or two observations on what had fallen from a gallant general opposite (General Tarleton) on a former evening. They had been told by that gallant general that Lord Wellington was guilty of a gross error in not attacking Marshal Ney before the siege of Ciudad Rodrigo; but he had totally overlooked the circumstances which would have rendered such a measure impracticable. The forces of Lord Wellington were reduced by detachments being disposed of at different points; while the French general had concentrated a body of 60,000 men, and had a great superiority of cavalry, in a situation where that description of force was most capable of acting. The accusers of Lord Wellington had throughout manifested the greatest inconsistency; for while they at one period condemned his rashness, they inveighed at another against his caution. And why this latter accusation? Because he did not attack the enemy with a force, half of which was composed of those reviled and calumniated Portuguese. But if Lord Wellington had done so, and been defeated, what then would have been the language of the gallant general and of those who agreed with him in opinion? Why, they would then have had recourse to their predictions, and have reviled the measures which they now recommended.—The hon. member then defended the whole conduct of the campaign, and said, that the gallant general opposite had forgotten every thing relative to the siege of Ciudad Rodrigo but its fall. He had not recollected its gallant defence, nor bestowed one eulogium on its immortal defenders. On the whole, he was bold to say, that if our army was at this moment even on the point of embarkation, yet much had been gained. Nor was it a matter of small importance that the evil day was kept off, even for one year, which had given to France a check, and to the continent of Europe a respite. Another advantage had resulted from the campaigns in the Peninsula; for it was manifested to Europe, that the character of the French army was greatly declined from what it had been; and he felt assured, that the people of France did not look on it with the same confidence, since it had been proved that their career of victory was interrupted. He believed, too, that the Prince of Essling would recollect with regret the glories of General Massena; and the Dukes of Elchingen and Dalmatia seek for the memorials of their fame under the names of Ney and Soult.—A right hon. gentleman had made observations, on a former night, upon the disposition of the Spanish forces, and the sort of warfare which they carried on; but it appeared to him rather hard to blame the Spaniards for adopting the very advice which had been given them by the gentlemen on the opposite side, not to commit the fate of their country by the rashness of resorting to general actions. The system on which they now acted was the most destructive to the enemy which could be pursued; and he believed that in the last ten months the

French had by it lost 40,000 men. He had to apologize to the House for trespassing so long on their attention, and should say little more; but he could not help reminding them, that perhaps at this very hour, while they were deliberating on the vote which they should give, Lord Wellington might be preparing for action to-morrow; and when he reflected on the venal abuse which had been disseminated against that illustrious character, he felt a hope, that if a momentary irritation should ruffle his temper on seeing those malicious effusions, he would console himself by the general feeling which existed in his favour—for his country would remember, that he had resigned every comfort in order to fight her battles and defend her liberties; nor would his glory be tarnished by the envy of rivals, or the voice of faction. He cherished the sanguine expectation that the day would soon arrive, when another transcendent victory would silence the tongue of envy, and the cavils of party animosity; when the British Commander would be hailed by the unanimous voice of his country, with the sentiment addressed on a memorable occasion to another illustrious character, "*Invidiam gloriæ superasti.*"

The original motion was carried by 113 against 16.

## THE STATE OF IRELAND.

FEBRUARY 3, 1812.

Lord Morpeth having proposed to the House to go into a Committee on the actual State of Ireland,—

MR. PEELE said—he thought there was little of conciliation either in the motion of the noble lord, or the speech of the hon. gentleman (Mr. Hutchinson) who had just sat down. The motion embraced two objects; namely, to canvass the conduct of the Irish government, and the claims of the Catholics. The first of these he was of opinion could not be entertained without its being shewn that some offence had been committed; and with regard to the second, he agreed with the right hon. gentleman (Mr. Canning) that the preferable and most expedient mode of procedure would be that which the Catholics had chalked out for themselves, a petition to the crown. With regard to the vote this night, it was impossible to come to it without having reference to what had passed among the Catholics during the last six months. Before the House consented to grant their claims, they ought to see in what manner they were likely to exercise their power when acquired. Then what necessity could be shewn for a meeting to such an extent as the Catholics had projected? Was their petition so new a subject as to require such numbers? Were their grievances so hidden in the earth, or the redress they sought so complicated, as to need such an assemblage of peers and peers' sons to make them out? But, said the hon. gentleman, they did this to shew that they spoke the general sense of the Catholic body. Did parliament ever doubt this? Certainly not. They doubted, to a certain degree, that the number of Catholic soldiers or sailors would be enhanced by the door being opened to a few peers; but they never could doubt that every Catholic would be ready to sign a petition claiming political power to that body. Were the House, then, prepared to say, that the Irish government was wrong in resisting this act, and that the Catholics were right in resorting to these illegal means of enforcing their claims? And this must be the consequence of agreeing to the proposed motion. In his opinion, the greatest friends of the Catholics, even those who thought them entitled to unqualified emancipation, as well as those who thought conditional security necessary, must vote against the motion. Indeed it was strange that the noble lord should have risked the support of so many of their friends.—The hon. gentleman went on to argue, from Lord Grenville's letter, that that noble lord and his friends must give it their negative: for that noble lord had insisted on the necessity of maintaining the church inviolable, and had even opposed the presentation of a petition, praying for the appointment of a Committee, as now proposed, on the ground of the indisposition of government, and of the difficulties arising out of the Veto. Although he would not accuse that noble lord of a pertinacious adherence to his opinions for years, yet he could not believe that twenty months could create such an alteration as to induce him now to vote for such a Committee.

What was the real state of the question? The law laid down certain securities for the Protestant interests, with which the Catholics were dissatisfied, and called for a concession of the whole, accusing the Protestants of throwing trifling obstacles in their way; while, on their own part, they would not concede even the very little they had in their power. They, on his side, were accused of intolerance; and when they referred, to show the contrary, to the concessions made in 1778, 1782, and 1793, the Catholic advocates turned upon them, and said, "For these very reasons you are bound to grant us more." But would they tell them where they were to stop, and not ask to be admitted to power without those oaths which were deemed necessary to bind every other description of the subject? It was said, you have given them the reality of power in the elective franchise, &c., and why do you refuse them the semblance? To this he would reply, that it never was foreseen by those who framed these measures, that such an argument could have been raised upon them; and that instead of being satisfied with the boons for their own value, they should only be considered as the grounds for further claims, and more extended pretensions. He would mention one point more relative to religious prejudices. It had been charged to gentlemen on his side of the House, that they had raised the cry of No Popery; and a most serious charge it was, although altogether unsupported. But he would ask, on the other hand, whether or no pains had not been taken to inflame the passions of Catholics? And whether Liberty of Conscience had not been made the watch-word of a party? In giving his vote, however, on the present occasion, he would by no means pledge himself with regard to the Catholic question, but merely give his negative to a motion which, in the present instance, was at least unnecessary.

At the close of the second night's debate, Lord Morpeth's motion was negatived, on a division, by 229 against 135; majority, 94.

## ON MR. GRATTAN'S MOTION FOR A COMMITTEE ON THE CLAIMS OF THE ROMAN CATHOLICS.

MARCH 1, 1813.

On the third night of the debate on this motion, after Mr. Wellesley Pole had spoken at considerable length,—

MR. PEEL said—Sir, the speech which the right hon. gentleman has just delivered is the most extraordinary speech I ever heard. Sir, I defy the right hon. gentleman to reconcile the opinions which he has just expressed, upon the Catholic claims, with those which, from his own avowal, at a former period he was supposed to entertain.

Sir, the right hon. gentleman is surprised that those who have succeeded him in office, and whom he is pleased to call his halves, should differ so much from each other upon this subject; but greatly as my right hon. friend (Mr. Fitzgerald) and I may differ upon it, we are not more at variance with each other than the right hon. gentleman is with himself. I suspect that we are more apt representatives of the right hon. gentleman than he seems to be aware of, and that not only have I succeeded the right hon. gentleman in one of his official capacities, as my right hon. friend has succeeded him in the other, but the different opinions, which the right hon. gentleman has expressed at different periods, have been also divided between us; those which the right hon. gentleman held when in office having fallen to my share, and those which he has since espoused to the share of my right hon. friend. In personal unity we cannot represent him, but in discordance of sentiment we are competent to the task.

Sir, the right hon. gentleman says that we are not to judge of his political opinions by his conduct when in office; that at that time the cabinet was united, and that he was in a subordinate capacity—not acting upon his own judgment, but executing the commands of others. He adds, too, that documents would be found, if the offices were ransacked, which would prove that the opinions which he now expresses could be reconciled with those which he then held. Sir, if this be so, and if the right hon. gentleman did differ from those with whom he was acting, what forbearance has he shown in this house! He was taunted with arrogating to him-

self the whole of the government of Ireland; the official acts of that government were imputed, by some of his adversaries, to his impetuosity and indiscretion; yet he submitted with cheerfulness to every imputation of bigotry and intolerance, and not a word escaped him from which it could be inferred that there was not the most cordial concurrence of sentiment, on every branch of the Catholic question, between himself and the other members of the government. I may admire the right hon. gentleman for his example of forbearance and discretion, but I cannot help thinking that it would have been better for him, if he did differ with those whose instructions he was called upon to execute—to have resigned his office, than to have sacrificed his opinions.

Sir, I was desirous, I own, of following the right hon. baronet (Sir J. Newport) in the debate, but yielded precedence to the right hon. gentleman, because, from the former expression of his opinions on this subject, I concluded that he rose to answer the right hon. baronet. Sir, I find myself mistaken, and, with regard to the right hon. gentleman's own speech, I confess my inability to answer it, but will refer him, for an answer, to a speech of the right hon. gentleman himself.

Unless I am much mistaken, sir, there was a speech of the right hon. gentleman, delivered last session of parliament, in which he stated that he had hitherto declined delivering his opinion upon the Catholic claims, as distinct from the conduct of the Catholic committee; but, being called upon, he had no difficulty in confessing, that he did not see the possibility of extending, to the Catholics, the privileges which their Protestant brethren enjoyed, with safety to the establishment in church and state. To clear himself, however, from any charge of inconsistency, even in the mind of those who remember his former declarations, the right hon. gentleman says, that the present circumstances are very different from those under which the question had been discussed at former periods. The right hon. gentleman seems to attribute this change to the measures of the Irish government, at the period when he was one of its members, and he says, that, from those measures, alluding to the proceedings against the Catholic convention, three important consequences have resulted, all of which call for a different line of conduct in the House, at the present period, towards the Catholics of Ireland.

In the first place, he says that the Catholic committee is dissolved.

In the second, that the Catholic body has come generally forward, and has unanimously preferred their petitions to the legislature for relief from their present disabilities. And,

Thirdly, The Protestants of Ireland have also expressed their sentiments in favour of qualified concessions to the Catholics, and have presented petitions to that effect from most of the counties in Ireland.

Sir, I cannot but think that the right hon. gentleman has been rather unfortunate in his deduction of these consequences from the causes to which he attributes them. In the first place, says the right hon. gentleman, the Catholic committee is dissolved; and, literally speaking, he is correct; but surely the right hon. gentleman must know that, though the committee is dissolved, yet every individual member who composed it was reappointed by an aggregate meeting of the Catholics, to act on the part of that body, and that they are now pursuing precisely the same course, in their new capacity, which they did in their old. The Catholic committee, when a decision in a court of justice had proved its illegality, was undoubtedly changed in its name and in its form of appointment, and it now skulks behind the law which its former constitution had violated; but I cannot think that the right hon. gentleman will persist in arguing that this necessary deference to the sentence of a court of law, on the part of the Catholic committee, materially changes the nature of the petition which is preferred under the auspices of the Catholic board. The second effect of those measures of the Irish government, in which the right hon. gentleman bore a prominent part, and which measures had my warmest approbation, has been, according to the right hon. gentleman, to call forth from the Catholics a general expression of their sentiments, and an unanimous application for further privileges. Why, sir, I never heard that, at former periods, even preceding the dissolution of the Catholic convention, there was any doubt as to the wish of the Catholics on this subject, or that the expression of their feelings had been at all partial or equivocal. But the third result is, of all, the most extraordinary.

The Protestants, says the right hon. gentleman, have come forward in the different counties, and have presented to the legislature petitions, which the right hon. gentleman is pleased to designate, with the exception of one or two, as favourable to the claims, or at least to the discussion of the claims, of the Catholics.

Does the right hon. gentleman really consider these petitions to have been presented in consequence of the conduct of the Irish government in dispersing the Catholic committee, or does he mean to argue that that body having been dissolved, the Protestants are satisfied, that all jealousies are allayed, and that the claims of the Catholics may now be acceded to without objection on the part of the Protestants of Ireland? Surely, sir, the right hon. gentleman must recollect that it is now two years since he addressed a circular letter, pointing out the illegality of delegation, and expressing the determination of the Irish government to visit any meetings, held for that purpose, with the penalties of the law. The right hon. gentleman must recollect that it is considerably more than a year since the Catholic committee dissolved itself, and the Catholic board was appointed in its room; but that it is only within the last three or four months that the petitions from the Protestants of Ireland, to which the right hon. gentleman refers, have been resolved upon in the respective counties. Those petitions, in which the sentiments of the Protestants are expressed with a moderation which does them the highest credit, but which petitions I consider to be decidedly against the concessions which are now demanded by the Catholics, arose not out of the conduct of the Irish government, not out of the dispersion of the Catholic convention, but have been called forth by the resolution to which the House of Commons came in the last session of parliament, and by the just apprehensions which the Protestants of Ireland feel for the security of their establishment, were those privileges granted to the Catholics, with which alone they profess themselves to be satisfied; if these be the grounds on which the right hon. gentleman defends himself from the charge of inconsistency, I fear that, on examination, he will not find them tenable.

There is, however, one point in which the right hon. gentleman is right; he is right in supposing that my sentiments are directly averse to the present motion. I should be reluctant to trouble the house with the expression of them, if I did not think, with my right hon. friend the Chancellor of the Irish Exchequer, that, considering the situation in which we stand, a silent vote, on a question so materially affecting the interests of that country with which we are officially connected, might be thought unbecoming. I do assure my right hon. friend that it is with real regret that I find myself compelled to avow opinions, so much at variance with those which he has so well expressed—a regret, however, which is small indeed when compared with that which I should feel, did I think it possible that our difference on this point, important as it is, could affect our concurrence in other political subjects, or could, in the least, tend to weaken that personal regard and confidence which have ever subsisted between us.

Sir, I must first express some little surprise at an argument of my right hon. friend, that every gentleman who voted for the resolution of the right hon. gentleman (Mr. Canning) in the last session of parliament, is bound by consistency to vote for the propositions which the right hon. gentleman has now submitted. Sir, I own that I should consider myself bound by no such obligation; that, had I had the misfortune to have voted with the right hon. gentleman last year, I should have been most anxious to follow the hon. gentleman (Mr. Bankes), and declare my determination of opposing the motion of the right hon. gentleman. I cannot see a pretence for imputing inconsistency to such a line of conduct. The pledge which the House gave in the last session of parliament was not simply that it would consider the Catholic claims; but that it would consider them with the view and for the purpose of attaining three distinct objects. There was an implied condition attached to that pledge: first, that the adjustment of the Catholic claims should be final and conciliatory.

Secondly, that the stability of the church establishment should be effectually provided for. And,

Thirdly, that the arrangement, in all, should be one tending to promote concord and satisfaction among all classes of his Majesty's subjects.

Sir, is it probable that, by the discussion of this question now, any one of these

objects will be attained? Is it likely that the adjustment will be a final one? If it is an adjustment which will satisfy the Catholics, will it be one which will secure your church establishment from danger? But, above all, is there the remotest prospect that any arrangement of a final nature can now be made, which the Protestant subjects of the empire can hail with satisfaction? To prove that all classes of his Majesty's subjects will not be satisfied with an arrangement, of which adequate securities for your church establishment shall form a part, I will beg leave to read an extract from the resolutions of one class of his Majesty's subjects interested in that arrangement—namely, the Catholics of Ireland. This meeting, a meeting at Killenny, resolves—"That this spirit, we fear, will only be the reproduction, or rather the continuance, of that system by which England has thought proper to govern this country for a series of centuries—viz., a system of division, founded upon wretched and mistaken notions of policy. That the government will most probably affect liberality, and suffer a majority to vote for a consideration of our claims, and that they will at the same time consult their real determination, never to grant us our rights, by making the veto, 'securities and arrangements,' the *sine quâ non* of our emancipation."

"That therefore, lest the government should be supposed to act without a full and entire knowledge of the opinions and feelings of the Catholics upon that most important subject, and also to put down, by anticipation, any such effect as that just now made with equal failure and insidiousness, we feel it our duty thus finally to declare, that we consider the question of veto, or arrangement, or securities, to have been set at rest for ever by the decision of our prelates, and that we should consider the enactment of a law which should give us emancipation, incorporated with a veto, or arrangements and securities, as a penal law, a law of persecution, and such a law, as when promulgated in Ireland, would be likely not only to add to the agitation and irritation of men's minds, but hazard the safety and salvation of the empire."

Sir, if I were among the wavering friends of the Catholics, I would advise the postponement of this consideration, into which we are required to enter, until the present just jealousies and suspicions of the Protestants might be somewhat allayed. I would give time to the Catholics, to reflect on their past conduct, on the prejudice which their cause has received from the intemperance of some of their advocates, and I would give them the opportunity of gradually receding from those unjust pretensions, which they advanced with precipitation, and which they now insist upon with a vehemence, of which they may yet be wise enough to repent. I would not now ask the House to come to a decision, which, if favourable to the Catholics, will not be likely to promote cordial union between them and their Protestant brethren; if not favourable, will infallibly prejudice future discussions, and will compel us to consider them as appeals to the same tribunal, from its own decision, passed after mature consideration, and after an enquiry entered into, avowedly for the purpose of making a final and conciliatory arrangement.

I cannot understand in what respects the present motion of the right hon. gentleman differs from those, which he has been in the habit of annually submitting to the House, and against which the House has as frequently decided. One objection, indeed, to his former propositions, the right hon. gentleman has attempted to obviate. He has been desired to produce something specific, and has now obeyed the call, by explaining to us the outline of a Bill, which he has it in contemplation to produce. The specific plan is at length announced to us, and it is simply this, that every distinction, arising from religious tenets, is to be done away; every disability and disqualification to be removed; every avenue to office and to power, with the exception of the throne, is to be unbarred. Two words will describe this specific measure, this is the "simple repeal," according to the modern language of the Catholics, or to borrow a phrase from the right hon. gentleman, this is to "greatly emancipate."

The right hon. gentleman is clear and intelligible as to the extent of his concessions; but the securities and safeguards, which are to accompany them, are enveloped in utter mystery. One security, indeed, the right hon. gentleman is willing to grant us, the exclusion of the Catholics from the throne. I was struck with the air of triumph with which the right hon. gentleman rose, after my right hon. friend (Mr.



Yorke) had requested that that part of the Bill of Rights should be read, which enacts that a Protestant alone can succeed to the throne of this realm. See, says the right hon. gentleman, how groundless, how feeble your alarms, why, I will recite, and recognise in my Bill, the principle of that enactment; nay, in the very preamble, you shall find an admission in favour of the established religion, and ample security for the Protestantism of the sovereign.

Sir, we do not want such recitals and recognitions; we want no preamble nor clause in a modern act of parliament to assure us that the Protestant religion is the religion of the state, and that we are absolved from our allegiance to a Catholic sovereign. We do not want to hunt through the statute book, for the laws on which the constitution is founded, nor to be referred, from the Bill of Rights, by a note in the margin, to an act passed in the 53d Geo. 3, cap. 5, § 2, commonly called "Mr. Grattan's Act."

But, according to the right hon. gentleman, the Protestants are actuated, in their opposition to the Catholics, by narrow motives of exclusion, or by the bigoted spirit of a sect. I remember the insidious comparison which the right hon. gentleman drew between the petitions of the respective parties. "The Catholics," says the right hon. gentleman, "petition for the ascendancy of the law, the Protestants for the ascendancy of a sect." Of a sect; to what sect do we belong? To the Protestant religion as by law established. To what laws do we adhere? To those, under which this empire has lived and flourished for ages; we are satisfied with them, and let them who ask for the change, be called upon to prove its necessity.

This committee, into which we are requested to enter, is not a committee upon the claims of the Catholics, but a committee to review and revise the British constitution; where the Protestant establishment is to be put on its defence, and to be heard by counsel at the bar.

Sir, in the course of this debate, many compliments have been paid to a right hon. gentleman (Mr. Plunket), but none which the eloquence and abilities which he has displayed in the speech which he delivered, did not fully justify.

Sir, I concur in the admiration, which has been so generally expressed, of the speech of the right hon. gentleman, but there is one quality, and a rare one, for which I most admire it, I mean for its sincerity. I know, Sir, what popularity the right hon. gentleman might have acquired, had he pursued a different course; the sorry pre-eminence which he might have attained, had he consented to advocate the cause of unqualified concession. The deputations and processions with which he would have been hailed on his return to Dublin, the addresses he might have received, and the answers he might have returned. He might have shared, with the Bishop of Norwich, the honours which were paid to that reverend prelate at the orgies of the Black Abbey of Kilkenny; and he might have heard his name associated with such sentiments and such toasts as these, "Lord Wellington, and may the victories of Irishmen cease to secure their own degradation." "Mr. Cobbett, and the free press of England."

Sir, we are told that we are dealing unfairly by the Catholics, in imputing to them, as a body, the line of conduct, which some intemperate agitators amongst them pursue. But, sir, if they are liable to be implicated and blamed for the conduct of others, why don't they rescue themselves from the imputation, and protest against the conduct of those, whose proceedings have no other effect than that of prejudicing their cause? Sir, if they want a precedent, they can find it in the year 1791. There was then a period when 68 of the most respectable of the Catholic body, seceded from the party with which they had been united; had the boldness to avow their disapprobation of its proceedings, and in loyal and dutiful, but not degrading terms, preferred to the throne their petition for relief from heavier restrictions than any to which they are now exposed. In resolutions such as these, which I shall have pleasure in reading, they approached their sovereign:

"That grateful for former concessions, we do not presume to point out the measure or extent to which such repeal should be carried, but leave the same to the wisdom and discretion of the legislature, fully confiding in their liberality and benevolence, that it will be as extensive as the circumstances of the times and the general welfare of the empire shall, in their consideration, render prudent and expedient.

"That firmly attached to our most gracious sovereign, and the constitution of the kingdom, and anxiously desirous to promote tranquillity and subjection to the laws, we will studiously avoid all measures which can either directly or indirectly tend to disturb or impede the same, and will rely on the wisdom and benevolence of the legislature, as the source from which we desire to obtain a further relaxation of the above-mentioned laws."

Amongst the names subscribed to this address are those of Lord Fingal, Lord Gormanstown, Lord Kenmare, Dr. Troy, Sir F. Goold, and others. Sir, I wish most sincerely that the comparison of their present conduct with that which they then pursued was more to their advantage.

With regard to the bill, of which the right hon. gentleman has given us the outline, I hope that the task of exposing its demerits will devolve into abler hands. I cannot, I own, understand the principle upon which it is founded, nor the reason why the right hon. gentleman, who is disposed to grant so much, should see the necessity of withholding anything. The right hon. gentleman proposes to repeal the Test and Corporation Acts, to open the House of Commons and the House of Lords, and every office of every description, to the Catholics; but he has an exception, for which I cannot account,—he will exclude them from the throne! I think that many of the arguments, which have been used to prove the impolicy of their exclusion from the other two branches of the legislature, will equally serve to prove the policy of their admission to the throne. Will the right hon. gentleman conclude that an irresponsible Protestant king will secure us from the danger which we apprehend from responsible Catholic advisers? Are there no offices in the state from which the right hon. gentleman thinks the Catholic ought to be excluded? Will he permit them to fill the office of Chancellor, to judge of the qualifications of clergymen of the church of England to Protestant benefices? Are we to have a Catholic keeper of the conscience of a Protestant king? Does the right hon. gentleman think that the lord lieutenantancy of Ireland, with the disposal of the church patronage of that kingdom should be open to the Catholic, and the head of the Protestant church be represented by a Catholic viceroy?

I know, sir, what the answer to this is, that the Catholics are merely eligible to the offices in question; but that the crown may, by the exercise of its own discretion, continue the exclusion from them. Sir, we have no right to throw this invidious task upon the crown. If the Catholics ought to be excluded from any office, let them be excluded by the laws of the land, and not by the acts of an individual, however exalted his station. It will create less discontent and dissatisfaction among the Catholics to continue their present disqualification, than, at the same time that you admit their qualification, to deny them the benefit they expect from it.

But, sir, as I before observed, many of the arguments which have been used in favour of a restricted concession to the Catholic, will almost equally apply to the removal of every restriction whatever. The right hon. gentleman who presented the petition from the Catholics of England recommended the prayer of it, by desiring us to consider "who were the persons to whom we refuse a share in the honours of the country? They are those," said the right hon. gentleman, "whose ancestors were assembled at Runnemede, who procured for you the charter of your liberties; they are those whose ancestors conquered in the fields of Cressy and of Agincourt." Sir, I admit it, but who led them on to victory at Cressy and at Agincourt—a Protestant prince? No, a Catholic prince. You ask whether such men are unfit to be trusted with the privileges which they ask for, because they differ from us in religious doctrine; and why not with equal justice, ask whether a prince, like Edward III., should be incapable of inheriting the crown of these realms, because he professed the Catholic faith? Was that prince, who decreed that his parliament should assemble annually; who prohibited, by the severest penalties, the admission of bulls and rescripts from the Pope; who limited and defined the law of high treason; was he a prince, of whose love for despotic power, or submission to the papal authority, we ought to be jealous? I have little doubt that the time will come, when such arguments will be used, and used successfully, in favour of the admission of a Catholic prince to the throne, if we admit the eligibility of the Catholic, to office and to parliament. Nor do I understand on what grounds it can be argued, that it is more inconsistent with the principles of the constitution, to admit the Catholics to

the throne, than to the other branches of the legislature. They were excluded from the latter at an earlier period than from the former. In the reign of Queen Elizabeth, they were incapacitated from holding office; in the reign of Charles II., they were excluded from the House of Commons and the House of Lords; but it was not until the period of the Revolution, that a Catholic was rendered incapable of inheriting the crown and government of these realms. An hon. gentleman (Mr. Smith,) seemed disposed to argue, that the king, having been declared at the time of the restoration, head of the church, it must necessarily be thence inferred, that the profession of the Protestant faith, since that period, has been a necessary qualification for the throne; but if this were the law of the land, after the reign of Henry VIII., where was the necessity, in the time of Charles II., of making the attempt, by a new enactment, and which attempt was defeated, to provide for the exclusion of the Duke of York from the throne, on account of his religious tenets.

Sir, I am not one of those who think that the removal of the present restrictions upon the Catholics, is an object of little concern to them; it is natural that those who embark in the lottery of life should be desirous to have the chance, at least, of attaining the highest prizes: but let the Catholics recollect, that they are not only unwilling to pay the same price for political privileges, which is exacted from the other subjects of his Majesty, but that they have hitherto refused to submit to the same restrictions which are imposed, with their own consent, and with that of the Pope, upon the Catholics of other countries, wherein the government is not Catholic; and, when gentlemen refer us to the state of the Catholics in Canada, and to their admission to offices in that country, and in Russia; let them recollect, that the cases are not parallel. That, in Canada, the Protestant sovereign of this country has the appointment of the Catholic bishops of Quebec; and that, when the empress Catharine founded the Catholic church of Mohilon, the Pope granted, as a matter of course, his sanction to the appointment of the bishop, nominated by the empress. Let gentlemen recollect, when they charge us with bigotry and intolerance, that the claims, now advanced by the Catholics, are claims which would have been rejected, without hesitation, at a time when a Catholic prince was upon the throne of these realms, and when Catholics themselves composed its legislature. I am not now inquiring whether the securities, which have been required of the Catholics, are adequate, or not, for the purpose for which they are proposed; but I contend that, as they are not unreasonable nor unprecedented, and are yet withheld by the Catholics themselves, that they have not the slightest ground to complain of the injustice of their present disqualifications.

Sir, we are told, because we have granted so much, that we cannot, with consistency, withhold that, which we now refuse to concede. That, having given to the Catholics the elective franchise, we have given them substantial political power; and that it is absurd to allow the Catholic to be represented, and yet not allow him to be a representative. I will not now argue, whether the grant of the elective franchise was a wise one or not, but I can see reasons for that concession which in no way apply to the concession of the further privileges which are now demanded. We have said to the Catholics, you are in possession of property; you shall have the franchise which property confers; you shall not be taxed without your own consent; you shall exert an influence in the state; but we insist on this qualification in your representative, that he shall disavow opinions and tenets, which we conceive to be hostile to the establishment of this country in church and state. And where is the great hardship in this, at least to those who are represented? Does it weaken the exertions of the friends of the Catholics in this House, because they are bound to abjure the Catholic faith? If we admit the Catholics to parliament, shall we find them more eager in their cause, than some of their Protestant friends at present are? Will the Catholics of Waterford find, in one of their own religious persuasion, a more zealous advocate than the right hon. baronet (Sir J. Newport)? Or can the Catholics of Tipperary send to this House a louder champion than the hon. general (Mathew)? And here, Sir, let me thank the hon. general, for the distinguished compliment which he paid to the government, of which I form a part, when he had the goodness to assure the House, that every measure of that government had his unqualified disapprobation.

Sir, there is only one other point to which I will advert. The right hon. gentle-

man says, that the Catholics have disclaimed all the dangerous tenets which have been imputed to them, and that the answer of the universities, and the oaths which the Catholics take, must satisfy every reasonable mind that there is no danger to the state in their present opinions. Sir, I own that I require more than the mere disclaimer of such doctrines as these, that the Pope has the power of deposing sovereigns, or that faith is not to be kept with heretics. While the supremacy of any earthly prince is admitted within these realms, of whatever nature that supremacy may be, spiritual or temporal, it ought to be defined, without the possibility of error or misconception. We know that at present it is not so; and Catholic writers have told us that, while the spiritual supremacy of the Pope, unexplained and unlimited as it is, is admitted, no great security must be expected from restrictions on the exercise of his temporal authority. But surely it behoves the Catholic prelates to meet in synod, and to remove the possibility of misconception on this point. They must be aware that there is a great jealousy of the exercise of any foreign authority within these realms. There have been instances, in the history of this country, in which the spiritual supremacy of the Pope has been called in, to countenance proceedings, which might justify an apprehension that the limits of spiritual authority were not sufficiently defined. Without wishing to revive the remembrance of animosities, which no one can more earnestly wish to bury in oblivion, and for the purpose only of proving the interpretation which the Catholic prelates themselves have given of the terms "spiritual supremacy," I will read an extract from a work, which is a continuation of the history of Hume. The author is recording the proceedings of the Catholics in Ireland, before the power of William the Third was established in that country; and when we have before us the last instance in which that body have held paramount political power within the united kingdom, we are informed that, "When bishoprics and benefices in the gift of the crown, became vacant, the king (James the Second) ordered the profits to be lodged in the Exchequer, and suffered the cures to be totally neglected. The revenues were chiefly employed in the maintenance of Romish bishops and priests, who grew so insolent under this indulgence, that in several places they forcibly seized the Protestant churches. When complaint was made of this outrage, the king promised to do justice to the injured, and in some places actually ordered the churches to be restored. But the Popish clergy refused to comply with this order, alleging that, in spirituals, they owed obedience to no earthly power but the holy see; and James found himself unable to protect his Protestant subjects against a powerful body, which he durst not disoblige."

Now, sir, the right hon. gentleman says that we have libelled the faith of the Catholics, and have imputed doctrines to them which they never held; that the Catholics of the present day may, indeed, agree in matters of faith with the Catholics of former days; but then they disclaim the construction which we put upon the tenets of their ancestors. I should be sorry to put the construction upon those tenets which, in the instance which I have quoted, appears to have been given to one of them by the Catholic prelates themselves, and I have referred to that passage as a proof that some explanation of the extent to which the spiritual authority of the Pope goes, is absolutely called for.

Sir, we are told that we are not to treat with, but to legislate for, the Catholics; yet, when the right hon. gentleman is asked what securities he will propose, he answers that he has not any to propose, and to one he will not consent—viz., to the veto. But what species of legislation is this? Why is the veto abandoned? Because the Catholics will not consent to it? And if we abandon it on these grounds, upon what principle can we insist upon domestic nomination, which we have every reason to believe is equally objectionable to the Catholics? There was a time when the veto was admitted by the Catholic prelates themselves not to be incompatible with the Catholic religion; they have retracted that admission, but they have not accompanied it with any assurance that domestic nomination is more consistent with it. If you think securities absolutely necessary, and that, without the consent of the Catholic prelates, no effectual security can be obtained, and if these prelates have recently issued a formal declaration that, in the present state of their church, no alteration can take place at this time in the mode of their appointment, I should

think that every person, excepting those who wish that all privileges should be granted to the Catholics, without any restriction whatever, will see the impossibility of coming to any final and conciliatory adjustment of the Catholic claims at the present moment, and will oppose the motion.

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### EDUCATION IN IRELAND.

MARCH 23, 1813.

On Sir John Newport's motion for a Committee to inquire into the state of Education in Ireland,—

Mr. PEEL said he acquiesced entirely in the views of the right hon. baronet, though he differed much as to the means he had thought proper to adopt to promote them. The right hon. baronet had stated the object of his motion to be to prevent the reports of the commissioners from being a dead letter, but he could not conceive that he would be farther removed from its attainment though he had deferred any discussion of the subject till the second reading of the Irish School Bill, which was fixed for to-morrow. The right hon. baronet would recollect, that he had admitted, in private conversation with him, that this Bill was imperfect, and that he had even suggested some alterations by which it might be improved. There was one alteration in particular which was meant to meet one of the chief objections which had been advanced by the right hon. baronet, namely, the state of the masters of the schools: this was provided for by an entirely new clause. He could not think that the select committee moved for by the right hon. baronet was otherwise than completely nugatory. Assuredly, he was the last man who would throw any obstacle in the way of the extension of the advantages of education to the Irish people; never would a refusal to such effect be more pregnant with injustice, for in no case could the claim be stronger, if capacity and anxiety to employ it could constitute a claim. Many instances evincing the thirst of knowledge felt by the Irish peasantry, such as must arouse the warmest feelings in every generous mind, had come within his knowledge. It was a thing quite frequent for working people to deprive themselves of all advantage from the labour of their children, in order that they might have their whole time devoted to literary acquirements; and he knew one parish in which there were no fewer than eleven evening schools, where adults used to repair after the toils of the day, in order to procure that culture which had been denied in their earlier years. He could not let the opportunity now afforded him pass without endeavouring to expose the injustice of the cry which had been raised against the clergy of the established church, and this, he conceived, would be in a great measure effected by his stating, that the Fourteenth Report, which had received from the right hon. baronet so much and such just eulogium, had been signed by many dignitaries of the national church. The right hon. member here proceeded to name the archbishop of Armagh, and some other persons of high rank in the established church, and after a few observations, concluded by expressing his intention of opposing the motion. Upon the whole, he thought the subject could not be put in a better train than at present pursued, and that the motion was unnecessary.

Sir John Newport's motion was negatived without a division.

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### IRISH LIGHT-HOUSE DUTIES.

APRIL 6, 1813.

Sir John Newport having moved a series of resolutions respecting the Light-House Duties on the coast of Ireland,—

Mr. PEEL said, that the conduct pursued by the Treasury Board, prior to the passing of the Act of last session, was, in fact, a benefit done to the trade of this country. The Act of 1812 found the light-house duties so high, that it was deemed necessary, by the operation of that Act, to lower them three-fourths; and at the very time his late right hon. friend (Mr Perceval) gave the order to suspend the

payment of the duties, a measure was in contemplation to reduce them. The hon. gentleman then shortly defended the conduct of the ballast-board from the observations made by the preceding speaker (Mr. Wharton), and proceeded to argue, that, when parliament, by the Act of 1812, provided that three-fourths of the duty paid by any vessel, after a certain day, under the Act of 1811, should be returned, when they had not merely recognised the exorbitance of the duties, but had absolutely framed an *ex post facto* law, to correct the evils which the former Act had occasioned—the right hon. baronet could not suppose, that it would have been right to direct the collection of the duties to have continued.

The resolutions were all negatived, *seriatim*, without a division.

## ROMAN CATHOLIC RELIEF BILL.

MAY 13, 1813.

In the debate on Mr. Grattan's motion for the second reading of the Bill to provide for the removal of the civil and military disqualifications under which his Majesty's Roman Catholic subjects laboured,—

Mr. PERL said, that notwithstanding the impatience of the House at that late hour, he trusted that, considering the situation which he had the honour to hold in the government of Ireland he should be indulged for a few minutes, while he stated his sentiments upon this most important question. He should rather have wished to reserve himself entirely for a more fit occasion when the Bill went into a committee; but he was, he confessed, very unwilling to let this Bill pass the second reading without entering his protest against it. He protested against the principle of this Bill, because it conferred on those who admitted an external jurisdiction, the right of legislating on all matters connected with the church of England; he protested against this Bill, because it was not conformable to the Resolution of the House, on which it professed to be founded; that resolution did certainly adopt the principle of concession to the Catholics, but it was concession connected with the strongest and most distinct securities for the established church. He wished to ask where were these securities? The House, he should think, would not be satisfied with the promise of a member, however respectable, that some clauses, which were printed and circulated, should be hereafter added to the Bill, when they ought to have these important securities embodied and distinctly brought before them as a separate and at least co-equal subject for consideration. Upon a question of such vital importance, the securities ought to accompany the Bill itself. The principal ground, however, of his objection to the Bill was, as it affected the connexion of the country with Ireland. One of the great difficulties which appeared to him to stand in the way of the proposed concession was the state of the population of Ireland. If the Protestants exceeded the Roman Catholics in number—if the population of the two countries were mixed up together, he should have much less objection. But it was impossible to look at the situation of Ireland, where the Roman Catholics so greatly preponderated in number, and where there were distinct interests, without feeling alarmed at the consequences of such unlimited concession. They could not close their eyes to the fact, that differences of religion existed there for a long time, and that they were now going to try the experiment whether these religions could be placed on the same footing. His noble friend had talked of providing for the clergy of the Roman Catholic church; but, if they were maintained at the expense of the state, how could the Protestant be called the established religion? What was an established religion? If he understood what it meant, it signified a religion, the teachers and professors of which possessed certain privileges, and were maintained by the state. If then the Catholic clergy were maintained by the state, (and under other circumstances, such a measure would be desirable) in what would the Protestant establishment consist, as contradistinguished from the Catholic? The only difference between the two religions in Ireland would then be, that a Roman Catholic could not be lord lieutenant. It should be recollected, that Ireland had a distinct hierarchy, that she had the same number of archbishops and bishops that there were in this country, and that she had 2000 clergy; now, if by this Bill the

two religions were equalized in Ireland, would not parliament soon be called to put the professors of both on the same footing. When parliament had declared, that there was no reason why one religion should have any preference over the other, was it to be supposed that the Catholics of Ireland would consent willingly to maintain the clergy of a religion not professed by more than one-fifth of the inhabitants of that country: how could they hope, when it was admitted that there were 4,000,000 of Catholics and only 800,000 Protestants, to maintain the Protestant ascendancy? This was a point which, he thought, they ought well to consider. He would not detain the House much longer at this late hour, but was anxious to vindicate himself from the charge of inconsistency, which had been preferred by a right hon. gentleman (Mr. Canning) against those who opposed this Bill, because, though they disapproved of the principle of this measure, they had yet voted for the proposition of the hon. baronet (Sir J. Hippisley). It was true, that last session he opposed the motion of the right hon. gentleman (Mr. Canning): the question then was, whether the House should resist the claims of the Catholics, or go into inquiry for the purpose of concession. The House adopted the motion, and after this there was surely no impropriety in trying to render the Bill as little obnoxious as possible, although they might fail in preventing its adoption. When, therefore, he, and those who thought with him, were driven from their strong hold, there was no inconsistency in their taking the next strongest that offered. Though they might have preferred resistance to inquiry, yet they might prefer inquiry to concession. He might differ with the hon. baronet as to the extent of inquiry which he wished to institute, but he thought the ground upon which he voted perfectly consistent with his vote of last session. That motion was not brought forward with the concurrence, or at the desire of the persons at that side of the House.—If it were their intention to oppose the Bill, they might have adopted another course. With regard to the Bill, it was in his mind premature. He did not think it could lead to final or conciliatory adjustment. It would have been a more decent mode of treating the numerous petitions laid upon the table, if such inquiry as the hon. baronet moved for had been made. He was the more inclined to object to this measure, because, even if it were passed, its professed object would not be obtained, for many grievances would still remain behind. There was nothing said in this Bill about the laws in existence respecting bequests of Roman Catholics for their schools and places of worship, nothing about the education of the Catholics. It was then absurd to represent this Bill as calculated to effect a final adjustment, because there were many laws existing upon our statute books, which must be repealed if this Bill should pass. He concluded by stating, that he would not trespass longer upon the House at that time, but that he would, at some future stage of the Bill, either in the committee or on bringing up the report, take the opportunity of stating his sentiments more at large.

In a Committee of the whole House on Mr. Grattan's Bill, on the 24th of May following, the words "to sit and vote in either House of Parliament," in the first clause, were negatived, on a division, by 261 against 247; majority 4; and the Bill was, in consequence, abandoned.

### IRISH FIRE ARMS BILL.

MAY 25, 1813.

Pursuant to notice, Mr. Peel moved for leave to bring in a Bill to continue the Acts of the 47th and 50th of his present Majesty, to prevent improper persons from having fire arms in their custody. Sir John Newport and other hon. members having spoken in opposition,—

MR. PEEL, in reply, defended the motion, and denied that it had any connection with the decision of yesterday.—[The abandonment of the Roman Catholic Relief Bill.] The object of the Bill was to preserve the peace by the means of civil power, to avoid resorting to the military. To prove it necessary, he read several communications which had been received within the last month. The first was a letter from a magistrate in Limerick, in which it was stated that a formidable party of fifty armed men had entered that town, at two o'clock on the preceding Sunday and imme-

dialy proceeded to attack the bridewall of the town, for the purpose of rescuing a person there confined, charged with having murdered two men, and with having fired a house. They effected their object, took the men from prison, and fired several shots at it. The next was a letter from Waterford, which set forth, that on the night of the 5th of April a banditti of nine or ten persons had severely beaten a farmer in a most cruel manner, for no other reason than that he was a native of another county, but had many years resided in that. The next was a representation made to the Lord Lieutenant, in the case of a man named Garth, who had been attacked by an armed banditti. They surrounded his house, and attempted to break in, in order to rob him of his arms. He, however, was not intimidated, but resolutely defended himself, and by killing two of the villains, so frightened the others, that they made off. He had in the first instance begged of them to go away, telling them that he was determined to defend himself, and that such a catastrophe might be the consequence of their persevering in their design. They, however, did not attend to him, and the result was, that three of the party lost their lives, one being found dead in the neighbouring field next morning. He then read a narrative, from which it appeared, that this man, ever since the attack made on him, had been obliged to remain constantly on his defence. On Palm Sunday last he went to church, and after service a person came behind him shortly after he had left the church, and lodged three balls in his back. Though hundreds of persons were by at the time, it being Palm Sunday, the villain escaped. A surgeon was sent for, who extracted one of the balls, but the others remained in his back. The man was stated to be doing well, but not yet out of danger. This, it was to be observed, was merely for defending himself; for resisting the outrageous attacks of the banditti.

Leave was given to bring in the Bill.

### IRISH DISTILLERIES.

JUNE 17, 1813.

On the motion for the second reading of the Bill for more effectually preventing Illicit Distillation in Ireland,—

Mr. PEAR said he concurred entirely in what had fallen from the right hon. baronet (Sir John Newport.) It was to him almost a sufficient argument for the necessity of the Bill, to find that it was supported by almost the whole of the representatives of Ireland. It had been stated that all the judges disapproved of it. Now, although he did not allow that there was any necessity to consult the judges upon the policy of the laws, yet he would state, that he had received a letter from the chief justice of Ireland, dated on the 4th of June last, which declared an opinion decidedly favourable to the Bill. He had also received a letter from Mr. Gregory, one of the commissioners of the revenue, who stated that if the Bill had been in force but six months longer, illicit distillation would have been put down in Ireland. He would much rather it should be put down by the assistance of the judges of the land, than by the generals commanding districts. He then stated the number of soldiers which were now conceived necessary in Ireland to act against those illicit distillers. He conceived that it was injurious to the discipline and feelings becoming the army. It was also committing the soldiers in a hostile manner against the people, which was a thing that ought as much as possible to be avoided. The people should learn to consider the soldiers as the protectors of the country, and ought not to be taught to view them in the light of enemies.

The second reading of the Bill was agreed to.

### IRISH BARRACK EXPENDITURE.

JUNE 22, 1813.

Mr. Fremantle having moved a series of resolutions relating to the Barrack Expenditure of Ireland,—

Mr. PEAR requested the indulgence of the House, while he shortly followed the



hon. gentleman. He was surprised, after the speech they had just heard, in which the hon. gentleman had so severely censured the present system in Ireland, that he should conclude with a motion, in which he (Mr. Peel) could concur, namely, that the barrack estimates of Ireland should be framed in the same manner as those of England. The hon. gentleman had enumerated the charges for barracks in Ireland, and stated to the House the number of men those barracks would contain, but he had not stated, as he ought to have done, that the permanent barracks were unoccupied, and that they were erecting to relieve the public from the expense of hired barracks. The whole of the hon. gentleman's speech he regarded but as an argument in favour of permanent barracks. Many of those buildings he enumerated which were expected to be fit to be occupied by the end of the present year. He then proceeded to show, that, in comparing the heads of expenditure the hon. gentleman had not taken a correct view of the subject, as items were comprised in the Irish barrack estimates which were not included in the English. The expense of salaries, &c., of barrack offices, he had said were but £32,000 in England, while on a scale so much smaller they amounted to £25,000 in Ireland. In point of fact, however, the charge on that head he would find was but £7,632, and contingencies not provided for in the corresponding English estimate raised the sum to the amount stated. He admitted the present mode of arranging the estimates was improper. He should have brought them forward in the same way as the English, if he could have effected it, in the present year, but this he had not been able to do. He hoped to do it in another year. With respect to the complaint of sums being granted on account for this service, he stated, that in the last year the sum of £125,000 had been so granted. The amount of the expenditure, however, had not exceeded £62,000, and thus a saving of half the grant had been made. He should agree to the motion, but could not agree to the reasoning on which it was grounded, which went to show the Barrack Board was not under proper control. In the Irish barrack estimates, items were comprised, which caused more than half the total charges which were not included in the English barrack estimates. He thought it would have been better if the hon. gentleman had moved for the regulations in the Irish barrack department before he ventured on the general censure in which he had indulged. Had he done this, he would have found that the matters of which he complained had long been remedied, and that nothing could be more incorrect than to charge the government of 1813 with the errors of 1803. These remarks on the speech of the hon. gentleman he apologized for having troubled the House with, so much at length, as it was not his intention to oppose the resolutions.

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### ORANGE LODGES.

JUNE 29, 1813.

In the course of the debate on the motion of Mr. Williams Wynn, "That a Committee be appointed to inquire into the existence of certain illegal societies, under the denomination of Orangemen,"—

MR. PEEL rose, and, with considerable warmth, observed, that the hon. baronet (Sir Henry Montgomery) would have done better to have practised what he recommended, and kept to his subject, instead of going out of his way to cast a most unfounded insinuation on the character of the nobleman at the head of the Irish government. No governor had ever shown a more firm determination to conciliate all parties, and to set his face against all improper combinations. He could mention several instances of his resistance against the spread of illiberal party feeling: he had last year disbanded one corps, because they had manifested some dissatisfaction at their commanding officer for signing a Catholic petition. Such was the conduct of the nobleman who was accused of giving inflammatory toasts at his midnight orgies. He felt he ought to apologize to the House for having condescended to notice what had fallen from the hon. baronet on this point; as to what he had said regarding orgies and revels, he should leave it unanswered, as unworthy of reply.

After a discussion of some length, the motion was withdrawn.

## EXECUTION OF THE LAWS IN IRELAND.

JUNE 23, 1814.

Pursuant to notice, Mr. PEARL rose to submit to the House a motion for leave to bring in a bill to provide for the better execution of the laws in Ireland.

He felt it incumbent upon him, he said, to explain his reasons for not having, at an earlier period, called the attention of parliament to this most important subject. The state of Ireland had unfortunately for some time been such, as to call for the adoption of some additional measures in order to preserve public tranquillity, and he certainly was prepared, at a much earlier period of the session, to have submitted them to the consideration of parliament. The evil which it was now proposed to remedy had not, he was sorry to say, risen on a sudden; it had existed for a considerable time; indeed, he might say, for the whole period that he had had the honour of forming a part of the Irish government. Many parts of Ireland had been in a disturbed state, excesses had been committed, and disaffection prevailed, which it was known that the ordinary powers of the law were insufficient to repress. He therefore was prepared early in the session to have submitted the present measure to the House, but the great and glorious events which occurred at that time, the overthrow of the monstrous tyranny established by Buonaparte in France, the restoration of the legitimate sovereign, and the general pacification of Europe, induced him to suspend his proposition until he saw what effect was produced in Ireland by these important events, and he hoped he should stand justified in the opinion of the House for having, under such circumstances and for such an object, delayed the production of this measure: he did not wish that at a season of general happiness and rejoicing for the restoration of tranquillity, Ireland alone should form an exemption.

He was not, he confessed, very sanguine in his expectations of the effect that would be produced upon the tranquillity of Ireland by the events to which he had alluded: but he thought the government of Ireland were bound to make the experiment, and to defer the measure as long as the necessity of the case would permit. With that view the measure had been deferred, and he wished he could now state to the House that these events which had restored tranquillity to the rest of Europe, had restored tranquillity to Ireland; unfortunately, the effect they had produced upon Ireland was not very great; he could not congratulate the House and the country upon the state of that part of the United Kingdom, nor could he, consistently with his duty, postpone the production of this measure till another session.

Before he submitted to the House the details of the measure which he now proposed to bring forward, he should beg leave very shortly to state the nature of those disturbances for which he now wished to propose a remedy. Those disturbances originated in different causes—the first that he should mention, were those which were the result of political combinations. In stating this part of the subject, it was far from his intention to exaggerate the objects which the persons so combining had in view, or the danger that was to be apprehended from them. He could not suppose that these combinations, which had for their object the overthrow of the government and the separation of Ireland from Great Britain, could find any supporters among men of any talents or weight in the country. These combinations consisted of idle infatuated people, with little education, and who were the dupes of men who possessed certainly more means of acquiring information than themselves, but still, he trusted, had none of those qualifications which could render them formidable as the leaders of popular insurrection. But that these were combinations whose object was to overthrow the existing government, to transfer the allegiance of the people to foreign powers, and for other objects of a similar kind; and that the individuals composing those societies were bound together by oaths, there could not, unfortunately, be a doubt. In stating the grounds upon which he made assertions of this kind, he should rely only upon documents the authority of which could not be questioned; he would not quote the verbal or written communications which had been made to government, which, though in many instances were well founded, yet in others might be liable to a suspicion that they were exaggerated, from the fears naturally entertained by individuals from the appearance of immediate danger, and

the recollection of past events. But to prove the existence of these combinations, he should rest only upon documents of unquestionable authenticity—he should refer to the oath, which was proved in evidence, at the last assizes in Ireland, against several persons charged with these combinations, and upon which they were convicted. Mr. Peel then read the oath, by which the person taking it bound himself to suffer death rather than give any information against his companions before judge or jury; to join the French upon their landing in Ireland, &c. This oath proved that combinations certainly had been formed, the object of which was to call in the assistance of a foreign power. So much for the first head of combinations, viz. those which were of a political nature. Another class of combinations, which existed in Ireland, were those which were formed under the pretence of redressing what was represented as local grievances. The objects of these combinations were various, though the mode of carrying them into effect was in most cases the same, to inflict punishment upon persons who disobeyed their orders, who gave more than the price which they chose to fix upon land, to prevent new tenants taking land which any person belonging to the combination had given up; and for many other purposes which it was unnecessary for him to detail, as they were perfectly well known to every person at all acquainted with the state of the interior of Ireland.

He would, in order to prove the accuracy of his statement, and the existence and objects of the combinations to which he alluded, refer to the proceedings at the last assizes of Roscommon: at those assizes no less than nine persons were tried and convicted for having taken and administered oaths, binding them not to inform against Threshers, and not to deal with Protestants, and to conform to the rules and regulations of the committees, under whose directions they acted. Upon this part of the subject he was desirous to read to the House a letter from a most intelligent and active magistrate, who was sent down into the county of Westmeath, to make inquiries into the causes of the disturbances in that county, and to assist the resident magistrate of it by his advice and experience. The letter gives a very clear statement of the nature, objects, and proceedings of the deluded miscreants by whom the public had been disturbed. It was dated 23d March, 1814. “The disturbances in this county (Westmeath) appear to have commenced about the beginning of the year 1813, and have been rapidly increasing ever since, notwithstanding great exertions have been used on the part of the magistracy to check and subdue them; the persons engaged in those disturbances, styling themselves carders, commenced their outrages by attacking houses, robbery of fire-arms, and swearing the lower orders to obey such rules and orders as should be dictated and pronounced by them. Their first objects appear to me to be that of regulating the price of ground set in con-acre, to prevent old tenants from being turned out of their farms, and to regulate the fees and dues payable to their own (Roman Catholic) clergy. To effect these purposes, they posted notices through different parts of the country, declaring vengeance against any person who should not comply with such their lawless dictates; if a tract of land was to be set in a con-acre, these lawless miscreants would fix a price per acre upon it, and any person giving more would certainly receive personal torture, or suffer some injury in his property. I have examined into the cases of many individuals where personal torture had been inflicted, and I uniformly found it to proceed from some dispute relative to ground, either by giving a price exceeding that fixed on by those miscreants, or by taking a farm of which the late occupying tenant had been dispossessed by his landlord.”

He begged again that he might not be suspected of any disposition to exaggerate the extent of the danger to be apprehended from these combinations; he did not mean to say that the details which he had laid before the House were of such a nature as to prove any threatening danger to the connection happily subsisting between the two countries, but they were of a nature to call imperatively upon government to adopt measures for the protection of the loyal, tranquil, and industrious part of the community; and this duty was the more necessary, and more strongly imposed on government, because, if protection was not afforded for the well disposed, they were reduced to the painful alternative either of joining the insurgents, or of exposing their persons to torture, and their houses and property to destruction. But these combinations were formidable in another point of view—the persons combining were now obliged, for the attainment of their objects, to observe a degree of caution, and

to maintain a strict discipline, and therefore qualified themselves to become dangerous engines in the hand of able and designing men, to be applied to other purposes. So much for the causes which originated out of those combinations to which he had already alluded. There was another species of disturbance of the public peace, to which he alluded with unfeigned regret—he meant that which arose from religious animosity. Interruptions of the public tranquillity arising from such a cause were the most to be lamented, and he feared the most difficult to be remedied. He would not now enter into the history of those unfortunate disputes, but he had the satisfaction to say, that notwithstanding the pains which had been taken in Ireland, by means of the press and of inflammatory speeches, to induce the Roman Catholics of Ireland to believe that the Irish government was not disposed to administer impartial justice to them as well as to their Protestant fellow-subjects, that these efforts had, in a great degree, failed of success; and there was indisputable evidence to show the lower orders of Catholics were satisfied that government were determined to treat all offenders against the public peace, whatever religious creed they might profess, most impartially.

In order to give the house an idea of the extent to which this irritation prevailed, it was only necessary for him to allude to a melancholy and fatal affray which had recently taken place at a village in the county of Cavan; though the accounts which had been given of this transaction were greatly exaggerated, still the House would learn, with deep regret, that it was not terminated until seven persons had lost their lives, and many were wounded. On hearing of this unfortunate occurrence, the Irish government, not entertaining any doubt of, and still less wishing to throw any imputation of the competency of the local authorities to conduct an inquiry into the causes of it, with fairness and impartiality, but desirous of obtaining information from a source that would be free even from the possibility of suspicion or imputation, sent down a gentleman of the Irish bar, of the highest professional eminence, and qualified by his commission, by his talents, acuteness, and judgment, Mr. Jobb, to examine into the subject. The report of that gentleman stated, that the unfortunate dispute which had occurred was not a premeditated one—that there had existed animosity between the parties, but that the outrage in question did not proceed from a previously concerted conflict. Mr. Peel then read an extract from the report which Mr. Jobb had made, to the following effect:—"I should not consider that I had done my duty if I omitted to state, that both parties, and persons of every description, expressed great satisfaction at the interposition of government, and appeared to rely confidently on the impartial administration of justice, as well on the inquiry as on the future trials." He read this with satisfaction, because it showed that the wicked attempts which had been made to convince the people that justice would not be fairly administered to them, had not succeeded.

He had now enumerated the principal features of those disturbances which had so long agitated Ireland. There subsisted in Ireland many obstacles in the way of the ordinary administration of the law, and one of the greatest was the difficulty of procuring persons to give information to government, and evidence against the violation of the peace. There was in Ireland, if he might be allowed the expression, a sort of romantic feeling, independent of any consideration of personal danger, which rendered the name and character of an informer odious, and was almost sufficient of itself to close the ordinary sources from whence information could be derived.

This feeling, he admitted, was most powerfully assisted in its operation by the dreadful system of intimidation, which was established in the disturbed districts with the view of preventing evidence being given. As he had proved every assertion that he had hitherto made, by a reference to some authentic document, he should follow the example on this occasion, and show the extent to which this system of intimidation was carried, by a reference to the most melancholy record which any court of justice could exhibit. He would allude to the case of a person of the name of James Connell. He saw an hon. gentleman, the member for Westmeath, in the house, and he was sure he would confirm his statement upon this subject. This unfortunate man (Connell) had given information against some persons for administering unlawful oaths; it was found necessary, after he had given information, to keep him in gaol for his personal security, until he was brought up to Dublin to give evidence. He (Mr. Peel) afterwards saw this man, and cautioned him against

going back to his own country; he was however, so desirous of returning, that no advice could restrain him, and he went home; he, however, had the prudence to remain some days in the house of Lord Castlemaine; but, upon the departure of that noble lord, Connell went to his own house. It would hardly be believed, but as soon as his return was known, from three adjoining parishes delegates were actually appointed to murder him. It was proved upon the evidence of one of the delegates, that in each of the three parishes six delegates were chosen to commit the murder; that these delegates met at the appointed time, and selected nine of their number to perpetrate the act. They attacked the house of the poor man, and murdered both him and his wife. It was not necessary for him to make any comment upon this dreadful transaction, but it showed to what a degree the feelings of the people must be blunted, and in what odium an informer was held, when it was considered little less than a praiseworthy act to visit with deliberate and atrocious murder the delivery of evidence in a court of justice.

After having entered into this detail, it only remained for him to show that the country was now in a disturbed state, and that the hopes which were entertained by some, that these combinations would be destroyed by the overthrow of Buonaparte's government, had proved unfounded. To prove this, it would perhaps be only necessary for him to state, that no less than seven persons had been taken up at no remoter a period than the 5th of the present month, in the county of Kildare, when actually engaged in one of these conspiracies to which he had at first alluded, as assuming a political complexion; and that county was in a considerable state of alarm; that a large military force had been marched into it; and that it now presented an appearance which a country in a state of peace with the whole of Europe ought not to exhibit. In the Queen's county disturbances to a very serious extent existed, long after the occurrence of these events which procured the restoration of permanent tranquillity, had prevailed. And here he begged leave to read a letter which had been given to him by one of the members of that county, from a magistrate of it, which represented the disturbances in a very serious point of view. Mr. Peel then read the letter, and also an extract from one from General Merrick, stating the necessity of calling the military in aid of the civil power, in the county of Kildare.

He trusted that he had now shown to the House, from documents that could not be disputed, that the ordinary powers of the civil magistrates were not sufficient to maintain public tranquillity, or to give confidence and security to the well disposed. It would, in his opinion, be infinitely better to invest the civil powers with sufficient authority to repress those disturbances, than to call in the aid of the military; the frequent use of soldiers in that manner made the people look upon them as their adversaries rather than their protectors. With regard to the measure itself, which he had now to propose, he did not wish to go beyond the necessity of the case, as he was anxious that it should have permanent operation, and that the Bill he should propose should form a part of the permanent law of the land. He by no means, however, meant to state it as his conviction that it was calculated effectually to meet the exigency of the case; he reserved to himself the full power of proposing, even in the present session, the revival of any of those provisions which had been enacted at former periods to meet temporary emergencies. He wished to keep the consideration of them distinct from the discussion of a permanent law, in discussing the principle of that law. He hoped that gentlemen would not suppose that, because such measures as these which he was now about to propose were not necessary in England, that, therefore, they were not necessary in Ireland, for the state of the two countries were essentially different.

He proposed in the Bill which he was now about to move for, to give to the Lord Lieutenant a power, when disturbances existed in any county, or part of a county, to proclaim that district to be in a disturbed state, to appoint a superintending magistrate with a salary, and special constables with salaries. He proposed that the magistrate should have a house and office, but that he should not be invested with any extraordinary powers; that he should be responsible immediately to the government, and removable at their discretion, and that he should be called upon for those exertions which could not be required from ordinary magistrates, who could not be expected to devote the whole of their time to the public service. The

special constables, to whom he proposed to give a better salary than to ordinary constables, he should propose to select from among the farmers' sons, and persons of that class, and to make them keep a kind of watch and ward in the disturbed district; these constables to be placed under the control of the superintending magistrates. The extraordinary expense that must be incurred by the establishment of this magistrate, and the special constables, ought in his opinion to be paid by the disturbed district. He thought himself bound in candour to state to the House, that in proposing the appointment of a supernumerary magistrate, he was rather calling upon the House to sanction a measure that had been adopted, than introducing a new system. In the counties of Kildare and Westmeath, and in every disturbed district where the government had the means of doing it, magistrates of this description had been appointed, not in conformity with any express provision of law, but from the necessity of the case, and the appointment had been attended with great benefits; their minds being wholly turned to one employment, they became, of course, more skilled in the mode of detecting and apprehending offenders. Another material advantage that would result from their appointment, was, that they would have no local allurements or interests to sway their judgment. He begged, however, that it might not be supposed that he meant to throw any imputation upon the regular magistracy of the country; the magistrates themselves, he was sure, would not think so, because nothing was more common than applications from them that appointments of this kind should be made; and these applications were made, not by gentlemen who wished to avoid their duty, but those who were the most anxious to discharge it.

He was aware that many magistrates, in Ireland, were willing to devote their time to the public service; but when it was necessary that parties should be sent out every night, perhaps for a month together, it was not to be expected gentlemen could neglect their own concerns entirely, and give up all their time to the public. He trusted he was swayed by no consideration of personal friendship, when he mentioned one signal proof of those exertions in the case of a noble friend of his, Lord Desart. The services that he had performed were not of a nature to attract much public attention, but on that very account they deserved more richly the public acknowledgments and gratitude; every sacrifice of what others would consider their ease and comfort had been made by his noble friend—every risk of personal safety had been encountered—his days and nights had been devoted to the fulfilment of the most active duties; as a magistrate he was repaid by the consciousness of having performed these duties, and by the knowing that his exertions had been attended with success; but it was with deep regret he stated that his health had been injured by his zeal and incessant activity, and that he was now deprived of the assistance of his noble friend in the House, by the necessity which he was under of absenting himself from his parliamentary duties on account of indisposition. In this country the appointment of stipendiary magistrates was not necessary, and therefore would be improper; but in Ireland the state of the country was so different, that the measure appeared to him indispensable for the public safety. That uncommon exertions had been made by many magistrates in Ireland he was perfectly ready to admit—acting gratuitously and from the best and purest motives.

There would be in the bill several regulations for the conduct of these magistrates, which it would be unnecessary now to detail; he should only repeat, that by bringing forward this bill, he did not preclude himself from proposing other and stronger measures even in the present session, if the case should require it. Having thanked the House for its indulgence, the right hon. gentleman concluded with moving, "That leave be given to bring in a bill to provide for the better execution of the laws in Ireland, by appointing superintending magistrates and additional constables in counties in certain cases."

At the close of the discussion, Mr. PEELE entered into explanations of some length, in answer to the objections of different gentlemen. He defended the county magistrates against the suspicion of supineness. The proposed law might be assumed to be strong enough. All that was wanted were responsible persons to carry it into execution. In answer to a remark from Sir F. Flood, the right hon. gentleman observed, that instead of there being only four counties in a state of disturbance, it was probable that twenty might be deemed in a state the reverse of tranquillity.

Even Wexford, which sent the hon. baronet to parliament, was lately represented by the grand jury to be rather in an alarming state.

Leave was given to bring in the Bill.

## PRESERVATION OF THE PEACE IN IRELAND.

JULY 8, 1814.

Mr. PEEL rose with considerable regret, he observed, to propose an additional measure for the preservation of the public tranquillity in Ireland. The House were already aware that he had introduced a measure during the present session on the same subject, which was then in progress, and which was to have a permanent operation. When he brought this bill forward, he had reserved to himself the right, should circumstances require it, of bringing in another of a more effective and decisive description. The apprehensions which had induced him to make this reservation had since been confirmed; and, however painful the task, he found it absolutely necessary to adopt a system which, although perfectly consistent with the established principles of constitutional government, was at variance with those maxims of moderation and mildness by which he was desirous the people of Ireland should be governed. There was something peculiar in the present disturbed situation of that country, and in the character of the combinations which existed among its inhabitants, that rendered it necessary to have recourse to some extraordinary measure, of greater vigour, and of more limited duration, than the Bill which was then before the House. Since he had last addressed the House on this subject, he had endeavoured to collect information from every quarter as to the state of Ireland; and it was with particular pain that he had now to state, that the disturbances which existed were of a most alarming description. He regretted to state, that in those parts of Ireland where the laws had been administered with the greatest severity, and where the greatest number of convictions had taken place, the terror arising from those convictions had scarcely survived the cause, when new combinations of a more extensive and dangerous character had obtained birth; and these combinations were carried on with a degree of secrecy which defied the operations of the law, as it at present existed. Under these circumstances, it became necessary to intrust the Irish government with a power to be exercised in cases of emergency, of a nature more decisive than that of which they were already possessed. The proposition which he should make to meet this end, was the revival of the measure which had received the sanction of parliament in 1807. He was sorry that considerable odium had attended the former introduction of this measure, because many of its provisions were copied from the act of the Irish parliament of 1796, although, in point of extent, it did not go so far. The amount of its operation was to permit two magistrates to transport idle and disorderly persons. The preamble was copied from the Act of 1807, and merely referred to certain disturbances which existed in various parts of Ireland, excited by seditious persons; and he should propose it to be limited to a period of two years. The object of the Insurrection Act, or rather of the clause to which he should now propose to revert, was to provide, in case any part of the country should be disturbed, or in danger of being disturbed, that two justices of the peace should be empowered to summon an extraordinary session of the magistrates of the county, which should consist of seven magistrates, who should make a report to the government, or the Lord Lieutenant, that part of their district was in a state of disturbance, and that the ordinary law of the land was inadequate to the preservation of the public peace. In this case, it was provided that the Lord Lieutenant, by the advice of his privy council, should be empowered to issue a proclamation, commanding all persons residing within the said disturbed district, from sunset to sunrise, to keep within their houses, and that no person should be suffered to be drinking in a public-house after the hour of nine o'clock; and further, if they should be detected out of their houses, without being able to show good cause, they should be considered as idle and disorderly, and be liable to transportation for the period of seven years. The law also required that the Lord Lieutenant should order a special session of the peace to be held, at which these persons should be tried, and, if necessary, that trial by jury should be dispensed with. There were other pro-

visions, which sanctioned the employment of the military to quell disturbances, and in order to facilitate the detection of offenders, enable the magistrates to pay domiciliary visits; and upon refusal being given to open the doors of such houses as they visited, enabling them to enter them by force. In the present state of Ireland, he thought it would be no great restriction, where disturbances did exist, to require the inhabitants to remain within their houses from sunset to sunrise. It was impossible to deny that this description of measure was an evil; but the house had to decide upon comparative evils; and when the dreadful alternative to which they would be reduced, if some such measure were not adopted, was considered, he apprehended no doubt could exist as to the expediency of adopting it, until the occasion for its existence had ceased. That the measure would prevent the evils of which he complained, he was satisfied; and this opinion was founded upon a variety of documents which he held in his hand. These documents gave the most convincing testimony of the disturbed and alarming state in which Ireland now was. Among others was one from a respectable magistrate of the county of Roscommon, which described the state of that county to be most alarming, and lamented that the law of the land was inadequate to the preservation of the public peace, in consequence of the magistrates having no power over suspected persons. There was another letter from a magistrate of equal authority, Mr. Maycock, of the county of Westmeath, who, after adverting to the atrocities which were every where committing within that county, observed, that if the legislature would allow domiciliary visits, and require the inhabitants to be at home at a particular hour, tranquillity would soon be restored. It was by no means the intention of government to have recourse to this Act, even if it should be passed, on ordinary occasions; on the contrary, as with the Act which had been passed in 1807, and remained in full force till 1810, without being acted upon, it was intended only to be resorted to when every other effort had failed to quell disturbance. He would wish the House to consider the dreadful evils which were meant to be corrected. In many parts of Ireland, the inhabitants were obliged to sit up whole nights to guard themselves from assassination; and a letter had been put into his hand that day, by an hon. baronet, the member for the Queen's county, (Sir Henry Parnell,) which stated that the Caravats were levying contributions of 30s. and 40s. each, from the little farmers every night, and seizing arms and ammunition, wherever they could be found. He had also letters in his possession, representing that the Carders were in constant activity throughout the county of Westmeath, and kept the unfortunate inhabitants (whose offence was, perhaps, no more than by their industry being able to give a higher rent to their landlords than others, their loyalty, or their refusal to join these lawless bands) in unceasing apprehension of assassination, or having their little cabins burnt over their heads. In addition to these facts, he had a letter from Mr. Wilkes, of Stokes-town, stating that a band of these miscreants had broken into the house of a poor man, and carded both himself, his wife, and his two daughters, in the most dreadful manner. The operation of carding he had already stated to be performed with a wool-card, with which the flesh was literally torn from the bones of the unfortunate creatures who happened to be exposed to the torture. These atrocities, too, were not committed by one particular sect against another, for Protestants and Catholics were alike exposed to them; and in a letter from Westmeath, it appeared that a considerable number of Roman Catholics had been served in this manner. In addition, however, to the prevention of these monstrous outrages, there was another motive equally strong, which operated as a ground for agreeing to the motion with which he should conclude, and that was the fatal blow which would be given to the morals of the people of Ireland, if such practices were allowed longer to exist without the most severe punishment. Ireland had frequently been the scene of similar combinations and disorders. In 1763 there existed the White Boys—then came the Hearts of Oak—these were followed by the Hearts of Steel—and these again by the Defenders, the Caravats, the Carders, the Shanavats, and the Threshers, all of whom had been guilty of great excesses, but none had exceeded in atrocity the combinations which now existed. He did not conceive that it was necessary, in calling upon the House to revive the Insurrection Act, to show that any conspiracy existed dangerous to the safety of the government; it was sufficient that several districts were in a state of disturbance, and that the laws which were in force were inadequate to the preser-



vation of the public peace. He apprehended he had already given evidence sufficient of these facts; but if it were necessary, he could refer to other proofs of a nature equally satisfactory. He had in his hand a memorial dated November 29, 1813, and signed by thirty-six magistrates of the county of Westmeath, stating that the most daring outrages were committed in open day, and that assassinations were perpetrated at the places of worship, and in the face of large congregations, without the slightest resistance. The same memorial declared the laws, as they existed, to be insufficient to prevent these atrocities, and suggested the expediency of the Insurrection Act of the 47th of the King. This was followed by a series of resolutions, passed at the Lent assizes, in March last, by which the contents of the memorial were confirmed, and the revival of the Insurrection Act again urged. There was another letter, dated the 27th of June last, reciting other acts of outrage, and representing the inadequacy of the law. To these were added a variety of other letters, of late date, all stating, in the most unequivocal terms, the excesses which were every where committed; and pointing out the necessity of affording protection to the unfortunate inhabitants, against the lawless attacks of the banditti by which the country was infested. The right hon. gentleman, in conclusion, observed, that he was persuaded these combinations had not arisen from any political feeling; but lest the floating masses of disaffection, which were dispersed in different parts of the country, should be corrected by some able hand, he considered it highly important that a strong measure should be immediately adopted, so as at once to stem those disorderly propensities, which, from not being properly resisted, would gain additional strength every day. The right hon. gentleman then moved, "That leave be given to bring in a Bill to provide for the preserving and restoring of peace in such parts of Ireland as may at any time be disturbed by seditious persons entering into unlawful combinations or conspiracies."—Leave given.

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JULY 13, 1814.

On the motion for the second reading of the

#### BILL FOR THE PRESERVATION OF THE PEACE IN IRELAND,

Mr. Horner having spoken in opposition to the proposed measure,—

Mr. PEEL rose in reply. The hon. and learned gentleman, he said, had complained that he could not understand the Bill, on account of the number of blanks and omissions. The hon. and learned gentleman must be aware, that there were necessarily a number of blanks in every Bill, which were to be filled up in the committee. He had presented the Bill in the usual form, and without a single blank; and if, in printing it, there had been any deviation from the established usage, in regard to the nature or the number of the omissions, he was not responsible for it. He had, however, apprised the hon. and learned gentleman and the House, that he might, by a reference to the Act of 1807, see the exact words of this Bill, because it was copied from that Act. Every member had it, therefore, in his power to have made himself acquainted with all the details of this Bill, without waiting till the blanks were filled up in a committee. Another complaint of the hon. and learned gentleman was, that this Bill made a great innovation in the law of Ireland, by taking away the trial by jury; now he had, when he had obtained leave to bring in this Bill, stated the full extent of the innovation, which was this, that in a court, composed of magistrates, assisted by a serjeant-at-law, or one of his majesty's counsel, the court might, in cases which appeared to them absolutely necessary, dispense with the trial by jury. This, he admitted, was a great change in the law; but did not the necessity of the case call for it? In the year 1807, parliament felt itself bound to adopt this very measure; and, surely, no one could say, that there was any thing in the circumstances of the present period, which rendered it less necessary than it was in 1807. In many cases, parliament had, under circumstances of great and pressing danger, sanctioned greater deviations from the law than that which was now proposed; and of the necessity of some such measure at present he did not think, after the melancholy detail which he had submitted to the House,

on a former night, and after the sentiments which had been expressed by every member from Ireland, who had spoken upon the Bill, that any doubt could remain upon the subject. With regard to apprehensions which had been expressed, that injustice might be done to persons tried under this Bill, he begged leave to state, that, in the original Bill, a power was given to the magistrates to sentence a person, convicted, to transportation; but a clause was added by a right hon. baronet, member for Waterford, by which a serjeant or king's counsel was added to the court; and unless such serjeant or king's counsel concurred in opinion with the majority of the magistrates, the sentence could not be carried into execution. He was not, however, surprised at the observations which the hon. and learned gentleman had made, because he appeared to be totally ignorant of the object of the Bill. He seemed to suppose, that its object merely was for the protection of witnesses; now that was not the object of the Bill, nor had he ever stated it so to be. The object of the Bill was to put an end to that system of plunder and outrage, by which Ireland was disturbed and disgraced, and to afford protection to the quiet and industrious part of the community. That one of the objects of the Bill was to protect witnesses, was undoubtedly true; but it was far from being the only object. If the hon. and learned gentleman had looked at the Bill attentively, he would have found that it did not require any great weight of evidence to convict a person under this Bill, because it was sufficient to prove that he was absent from his house at the time forbidden by law.—This Act was also calculated for the protection of jurors, and he would appeal to any gentleman, who heard him, and who was acquainted with the state of Ireland, whether it might not be absolutely necessary, in some of the disturbed districts, to dispense with juries, in order to secure the due administration of justice; because the cruel alternative in which a jurymen, in such a case, might be placed, was this, he must either acquit the guilty to secure his own safety, or he must risk his own life by performing his duty. But this Bill did not necessarily take away the trial by jury, it only gave the court a power to dispense with them in cases in which it appeared absolutely necessary. In the extraordinary state in which some parts of Ireland were at present, to go through all the forms of law, and to have grand and petit juries, would be utterly impossible. If some such measure as the present were not adopted, the offenders might continue their outrages with impunity; where a country was in such an extraordinary state that it was necessary to keep the people in their houses from sun-set to sun-rise, it appeared to him quite absurd to suppose that the ordinary forms of the law could be adhered to.—The hon. and learned gentleman had said, that there were others, besides the actual perpetrators of these outrages, who were guilty of promoting these disturbances. The hon. and learned gentleman was right, and he had in his own instance afforded a practical proof of the truth of his position. One of the many causes which had contributed to keep alive the spirit of discontent and irritation, and to foment those disturbances, was the exaggerated statements which were constantly made to them of the grievances under which they were supposed to labour. The hon. and learned gentleman had himself unintentionally, and from misinformation, no doubt, made a very exaggerated statement to the House, of the unfortunate affair at Castletown. The hon. and learned gentleman had talked of the rash and unprecedented conduct of the magistrates, in ordering the soldiers to fire, &c. Now, before the hon. and learned member took upon himself to make such a statement, it would have been quite as well if he had waited till he had seen the result of the investigation which he knew the government of Ireland had ordered to be made respecting this transaction. He thought such would have been the hon. and learned gentleman's duty, to have ascertained the facts, before he presumed to make such a charge. He (Mr. Peel) had not yet received the result of the official inquiry instituted into this affair, but he believed that the hon. and learned gentleman's statement was unfounded, or, at least, grossly exaggerated. He had received a letter, informing him, that the report would be sent over in a day or two; and it added, that it had been ascertained that no orders had been given to the soldiers to fire, and that they did not fire until the mob had actually closed with them, and were endeavouring to wrest their arms out of their hands. The hon. and learned gentleman talked of the indiscretion of magistrates in calling in military parties to protect the public peace at fairs in Ireland, and of the ease with which the civil power could repress

any of these little venial excesses, which occasionally break forth. The hon. and learned gentleman might be very well informed of the practice at a Scotch or an English fair, and his observations be very applicable to them; but he appeared to have very little experience of Irish fairs. The hon. and learned gentleman seemed little aware that fairs in that country were the chosen scenes of the most sanguinary and preconcerted conflicts. In a recent instance, to which he had before occasion to allude, the fair of Shircock, at which there was no premeditated combat, a melancholy affray took place, in which seven lives were lost. Now, did the hon. gentleman really think, that it would have been an act of criminal indiscretion, if any magistrates had been there, with a military force, ready prepared, to prevent such a scene of bloodshed; or would he consider it as a fair ground of charge against the military, if they had been present, and had fired in their own defence, when they found themselves assailed and an attempt was made to disarm them? Would this have been a criminal indiscretion on the part of the magistrates, or a wanton outrage on that of the soldiers? He meant to apply these remarks generally, and not as applicable to the particular affray at Castletown—the detailed report of which he had not yet received. The hon. and learned gentleman had said, that all history and experience, and particularly in Ireland, had shown that extraordinary measures of this kind had always tended to increase rather than to diminish the evil. To show the hon. and learned gentleman how completely he was misinformed upon the subject, it would only be necessary for him to look at the effect which this very measure produced when passed in 1807. So far from increasing the evil, the very circumstance of passing the Act had rendered it unnecessary to carry it into execution; and his predecessor, Mr. Wellesley Pole, had thought himself justified, on the ground of restored tranquillity and peace in Ireland, to repeal, in 1810, the very measure which, in 1807, his brother (the Duke of Wellington) had introduced, on the ground of disturbance and disposition to insurrection. The hon. and learned gentleman's argument, therefore, on the ground of experience, was utterly destitute of foundation.

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JULY 20, 1814.

In the adjourned debate on the motion for the third reading of the

#### BILL FOR THE PRESERVATION OF THE PEACE IN IRELAND,

Sir S. Romilly having re-stated his former objections to the Bill, and charged its originator with having taken the House by surprise in bringing it forward at so late a period of the Session,—

Mr. PERL denied that in this measure he had taken the House by surprise; for when he introduced, on a former occasion, a measure of a different description, he reserved to himself the power of bringing forward one like the present, if it should be found necessary. He had, he believed, made out a sufficient case to induce the House to agree to the Bill. He had read an oath, for which no less than six convictions took place at the assizes of Westmeath, and the purport of which was to be true to Buonaparte. He had hoped that peace would have overpowered and overcome all such absurd speculations as adherence to the despot of another country; but he had recently learned that similar combinations were still forming in Ireland, and that an oath was now administered and taken in the county of Westmeath, hostile to the public peace and tranquillity. He had considered it incumbent to wait till he had a distinct proof of the failure of other measures, before he resorted to the present Bill. This was not looked upon as a party question in Ireland. A memorial had been presented to the Lord Lieutenant, signed by sixty most respectable individuals of the county of Tipperary, eighteen of whom were magistrates, and the first name signed was Lord Llandaff, the brother of the representative of that county in the House, the object of which memorial was to persuade the government to bring forward the present measure.

The Bill was read a third time, and passed.

## SUPERINTENDENCE OF THE IRISH MAGISTRACY.

NOVEMBER 18, 1814.

MR. PERKINS rose for the purpose of moving for leave to bring in a Bill for the appointment of Superintending Magistrates and additional Constables in certain cases in Ireland. The hon. member observed, that, as he could not anticipate any opposition, or even objection, to the Bill which he was about to propose, he felt it to be unnecessary to trouble the House with more than a very few words. The House would recollect, that in the course of the last session of parliament, two very important measures, regarding the preservation of the peace in Ireland, had met with their sanction. By one of them, the Lord Lieutenant was empowered to proclaim any district in Ireland to be in a state of disturbance, and to appoint a chief magistrate and a certain number of special constables, for the superintendence of the general police of the district so disturbed. A doubt had arisen, whether, in case that two baronies, adjacent to each other, but situated in different counties, should be unfortunately disturbed, and it should be necessary to subject them to the operation of the Bill above mentioned—whether, as the Bill now stood, it would not be necessary to appoint a separate establishment of police in each barony; when, from the limited extent of the two, one would be sufficient for the superintendence of both? Now, as the executive government of Ireland had no wish whatever to multiply the number of appointments under the Bill, or to subject the disturbed districts to any charge that was not absolutely necessary, his present object was, to remove any doubt of the nature before mentioned, to enable the Lord Lieutenant to appoint a high magistrate, and one set of constables for the two baronies, and to determine the proportion of expense which should be defrayed by each. This was the main object of the Bill which he was about to introduce, and he had therefore thought it expedient to take this opportunity of adding one or two clauses, requiring the magistrate and the constables to take certain oaths, which was set forth in the Bill.

He felt, however, that the House had a right to require from him, when speaking in reference to a subject of so much importance to the prosperity and happiness to the United Kingdom as the internal tranquillity of Ireland, that he should inform them what had been the proceeding adopted by the executive government of Ireland under the act of last session. He had the satisfaction of assuring the House, he had reason to believe that the passing of those acts had been attended with beneficial consequences. To the provisions of the Insurrection Act, it had not been, and he most sincerely hoped that it would not be necessary to resort; and the Peace Preservation Bill had only been called into operation in one single instance, at the unanimous application of a most numerous and respectable meeting of the magistrates of the county of Tipperary. The barony of Middlethird had been proclaimed; he had every reason to believe that, in the improved tranquillity of that district, and the returning habits of subordination among the lower orders of the peasants, the inhabitants had ample compensation for the charge to which the application of the Bill had subjected them; but the good effects of it had been witnessed, not merely within the narrow sphere to which its operation was nominally confined, but had induced the inhabitants of the neighbouring districts to unite, and to act with energy, for the preservation of the peace, in order that they might escape the tax which the Act would impose, if applied to their districts.

He would take the liberty of adducing one proof of the veracity of his statement. In one of the reports made by Mr. Wilcox, the chief magistrate appointed in Middlethird, it was stated, that the house of a person resident in the barony of Clanwillan, had been attacked and robbed of arms. A party of labourers, having a suspicion of one of the parties concerned in the robbery, took measures for his apprehension; and, headed by a man of the name of Flinn, pursued the robber, and secured him. The man was identified, and committed to Clonmel gaol. The persons who apprehended him, declared they had done so, in order to keep the tax off their barony; and that no outrage should be committed in their neighbourhood, which would not be followed by their best exertions to bring the perpetrators of it to justice. Here was a combination, singular to be found in its nature but

most beneficial in its consequences—a combination in support of the law of the land.

He might mention, as another proof of the favourable efficacy of the measure, that there was not an enemy to the peace of Ireland who did not cordially disapprove of it. He hardly knew whether he should descend to notice the gross, and probably wilful misconceptions, which had been resorted to by evil and designing men, in order to bring the measure into disrepute. It had been asserted, that its object was to provide for the adherents of government, and to multiply the means of patronage; he begged the House to judge of the future intentions of government, not from the statements of its enemies, but from their conduct, to that instant in which the opportunity of exercising their authority had occurred in the barony of Middlethird; the chief magistrate selected was, he believed, above all exception, and his appointment free from even the suspicion of any motives but the best. The constables were selected from a list of discharged non-commissioned officers, who could produce the strongest certificates of personal ability, good conduct, and character. He defied, and he trusted should always be able to defy, any imputation to raise suspicion, that the government of Ireland had so grossly deserted their duty, as to make the authority with which the House had entrusted them solely for the purpose of restoring tranquillity, directly or indirectly subservient to the extent of their political influence. The hon. gentleman concluded by moving, "That leave be given to bring in a Bill to amend the Act of the 54th Geo. 3, c. 131, to provide for the better execution of the laws in Ireland, by appointing Superintending Magistrates and additional Constables in Counties, in certain cases."—Leave given.

## IRISH TAXES, AND STATE OF THE POOR.

NOVEMBER 23, 1814.

In the debate upon Mr. FITZGERALD's motion respecting the Resolutions of the Committee on Irish Customs Duties, and the making of certain provisions pursuant to those resolutions,—

Mr. PEELE rose, principally, he said, with the view of noticing two observations which had fallen in the course of this debate from the right hon. gentleman opposite to him. In those observations he fully concurred, and he had heard them with great satisfaction. The right hon. baronet had said, that though the peasantry of Ireland were badly lodged, yet that they were well fed; that if you offered them wheaten bread, they would prefer their present diet to it; and that penury and scarcity must not be inferred, because they lived principally upon potatoes. The right hon. gentleman had said, that this was an improper season for laying heavy duties on timber, when the landed proprietors and landholders of Ireland evinced such a desire to ameliorate the condition of the peasantry, and to administer to their comforts and their happiness. He had heard these observations with real satisfaction, and for this reason, because they were in direct contradiction of certain unfounded and inflammatory statements which had proceeded from a quarter whence they might have been least expected, and which they least became. He was glad to find that the two right hon. gentlemen came forward, though not perhaps with that intention, to correct the gross delusion which prevailed in the country upon this subject, and to contradict, on authority which could hardly be questioned, the still more gross misrepresentation by which it was attempted to keep alive and propagate that delusion. He was glad to hear them tell this House and this country, that it was not true, as had been asserted, that the peasantry of Ireland were in a worse condition than English swine; and that it was a libel upon the landholders of Ireland, to publish to the world that they had no interest in the prosperity of their tenantry, and that the sole object is to extract from the wretched peasant a rent which he cannot afford to pay. Mr. Peel concluded by saying that he wished most sincerely, and every friend to Ireland must wish, that the comforts of the peasantry should be increased; he believed they were badly lodged, but he had every hope that their condition was in this respect improving. With regard to fuel and to food, he was perfectly satisfied that there were many parts of England in

which the lower orders were infinitely worse provided with these essential articles of life than the lowest description of peasantry in Ireland.

## SUPERINTENDENCE OF THE IRISH MAGISTRACY.

NOVEMBER 25, 1814.

In the debate on the motion for the third reading of this Bill to-morrow,—

MR. PEEL spoke in reply to Mr. Ponsonby. Although desirous of troubling the House as little as possible, yet he felt himself called upon to make some observation upon what had fallen from the right hon. gentleman. The House would perceive, that he rose upon this occasion under considerable disadvantage, when it was recollected that the right hon. gentleman had taken this opportunity of replying to a speech which he had made nearly four months ago. The right hon. gentleman, however, seemed to have forgotten the substance of that statement, upon which he had selected this occasion to comment. He had accused him (Mr. Peel) of having, last session, made an exaggerated representation of the disturbances which existed in Ireland—of having been, in the first instance, deceived himself, and of having afterwards been the means of deceiving the House respecting the real state of that country. The right hon. gentleman had charged him with having said, that Ireland was in almost a general state of insurrection. To that assertion he must give the most distinct denial; in fact, the nature of the statement he had made last session, was the very reverse of that imputed to him by the right hon. gentleman; he had distinctly disclaimed the intention of throwing any general imputation upon the population of Ireland; the measure he introduced was not one of general operation, and was only calculated to be applied to any particular district, which might happen to be in a state of disturbance. Such was the nature of the Bill which he proposed; and the very ground of his argument was, that it was not necessary to prove general insubordination, but that, if he could show that there were two or three parts of Ireland in such a state that the law could not be enforced for the protection of the innocent, or the punishment of the guilty, he had done enough to justify the introduction of the Bill, in order to be applied to the disturbed parts. He had endeavoured to guard himself against the imputation which the right hon. gentleman had thrown upon him, namely, that of suffering himself to be deceived by false or exaggerated representations, and of afterwards deceiving the House. He recollected that he told the house that he had received numerous accounts of outrages committed in different parts of Ireland, but that he was willing to make allowance for the possibility of exaggerated statements from gentlemen who lived in the country, and who remembered and dreaded a repetition of the dreadful scenes of 1798. He had, therefore, almost entirely confined himself to the production of documents, the authenticity of which could not be questioned, some of which he would recal to the recollection of the right hon. gentleman; but the House must be aware of the disadvantages he must labour under, in going now into a detail which it was impossible for him to have anticipated.

Two of the representations which he had read, were from the grand juries of the King's County, and of the county of Westmeath. It could not be supposed that the gentlemen who composed those grand juries, were liable to the imputation thrown out by the right hon. gentleman, viz. that of being influenced by private and interested motives. He stated, that an application had before been made from Westmeath, praying for the introduction of the Insurrection Act, with which application the government of Ireland had declined to comply. It was again brought forward, signed by thirty-six magistrates of the county. One of the resolutions of the meeting held upon that occasion contained, he recollected, the following remarkable expression, that the well-disposed inhabitants of the county prayed to be favoured "with the merciful operation of the Insurrection Act." He remembered reading to the House an oath which had been taken by numbers of deluded persons, (for taking which, seven persons had been actually convicted); by which they swore to assist Buonaparte to plant the tree of liberty in the centre of Ireland, and to put an end to all tithes and taxes. He stated, at the same time, that the objects

of these persons were as absurd as they were wicked; that they were not countenanced by any one person of rank, talents, or character, in the country; and that even the most deluded of the unfortunate persons themselves could not hope for success in their plans. But he added, that the delusion might be attended with fatal consequences, in the narrow circle in which it operated. He referred to the representations made by the magistrates, one of which he had read to the House; it was put into his hands by one of the members for the Queen's County (Sir H. Parnell), who assured him that it was not exaggerated. He had also supported his statement by a reference to the records of the courts of justice. He had cited a case of a most dreadful combination to murder an unfortunate man, merely because he had given evidence against an offender at a former assizes. No less than eighteen persons were selected from different parishes to commit this murder, and six of them were afterwards executed for that crime. He must, therefore, beg to ask the right hon. gentleman, whether he would still persist in saying that he (Mr. Peel) had been deceived himself, and had deceived the House by exaggerated statements? There was one document which he did not read to the House, for it was not then in existence, but which he would now read; it was the application of the magistrates, upon which the Police Act had been applied to the barony of Middlethird. Mr. Peel then read the memorial, praying that the barony might be proclaimed in consequence of the numerous murders committed in it.

The right hon. gentleman had said, that magistrates, wishing for an increase of power, or being desirous of compensating for their own want of exertion in the discharge of their duties, or perhaps wanting to make some provision for themselves or their families, might make these exaggerated representations to answer their own purposes; but the right hon. gentleman would recollect, that the persons who had made these applications for the introduction of the Police Act, were to pay the expense of putting it in force; and he thought he might fairly set off their pecuniary interest against any wish which they might have to relieve themselves from active exertions, if even he could suppose the existence of such a wish. The right hon. gentleman, he thought, must admit, that the barony of Middlethird was in a situation in which the law ought to be applied to it, when those who were to defray the expense of putting it in force solicited for its introduction. He might also refer, in justification of the measure which the right hon. gentleman now arraigned, to the support which it met with from almost every Irish member who was present when the Bill was introduced. The member for Dublin said a few words upon the subject, but declared, that in consequence of the statement which he (Mr. Peel) had made, he would not oppose the Bill; all the other Irish members who spoke upon the subject, gave it their cordial support; and among that number was the right hon. gentleman himself. Surely, then, if he wanted any further justification of the measure in question, that justification was to be found in the general concurrence which it met with from the members for Ireland.

The right hon. gentleman had compared the present times with those of 1806; he had stated that the Threshers then committed outrages in many parts of Ireland; that applications were made to the government to have recourse to strong measures; but the government of that day refused to comply with those applications, and that the Threshers were put down by the ordinary exertion of the laws. He had always understood, however, that so convinced was that government, in which the right hon. gentleman held so high an office, of the necessity of having recourse to stronger measures, that when they quitted the administration, they left behind them that very Insurrection Act of which the right hon. gentleman now complained, and which was to have been brought forward by Mr. Elliot, then chief secretary to the Lord Lieutenant. He did not state the fact from his own knowledge, but he knew that it was stated in debate, that when the Duke of Wellington succeeded to the office of chief secretary, he found the Bill for introducing the Insurrection Act drawn up, ready to be presented to parliament, by his predecessor, Mr. Elliot. It was stated on that occasion, that there was good ground for the introduction of that Bill, because the member for Dublin had said, there was a French party in Ireland. He thanked the right hon. gentleman for the credit which he had given to the government of Ireland, of not having applied this law to the purposes of patronage. He agreed in the opinion, that there could not be a

more flagitious abuse of the power entrusted to the government of Ireland, than for them to have applied this law to promote their own influence or to extend their patronage. He should think that he deserved to be visited with the severest punishment, if he suffered himself to be made a party to any such transaction. He also concurred in another opinion expressed by the right hon. gentleman, that it was not expedient to select the persons who were to put this law in force, from the district to which it was to be applied.

The right hon. gentleman was correct in supposing that many applications had been made to the government of Ireland to put this Law in force, but they had been refused, because it was felt that the strongest proof must be given, before the government ought to consent to the application of so strong a measure; the most indisputable evidence ought to be given, that the lives and property of the innocent inhabitants were in danger, and that the ordinary powers of the law were insufficient to protect them. He could not, however, by any means agree with one of the reasons urged by the right hon. gentleman against putting this law in force, viz., that it would give up a Catholic population to the power of an Orange magistracy. It was to him a subject of deep regret, to hear that the right hon. gentleman, by such an expression, countenanced one of the most wicked and inflammatory statements, with respect to the Insurrection Act, and its abuse by magistrates, that had ever been made. Surely the right hon. gentleman must remember, that the law provided that a king's counsel should be sent from Dublin to assist at the trial of any persons accused under this Act, and that if any difference of opinion prevailed between the magistrates and the king's counsel, the sentence should not be carried into execution, until all the facts were laid before the Irish government. He trusted that the House would be of opinion, that this provision afforded a sufficient guard against the indulgence of those religious prejudices of which the right hon. gentleman was so much afraid, but the possible operation of which, in the manner mentioned, he never could admit.

He had now, he believed, adverted to all the topics introduced into the right hon. gentleman's speech: he wished, if he could with regularity, to say a few words upon what had passed in another place upon this subject, and upon the speech of a noble lord of the other House of Parliament. [The Speaker said, it was irregular to advert to what had passed in any other place.] Mr. Peel said, he should bow to that authority, and not attempt to evade the order of the House. He should merely say, that he had prepared a clause in compliance with the suggestion of a right hon. baronet, who wished to give government the power of narrowing the operation of this law strictly to the offending spot, in order that the innocent might not suffer for the guilty. This clause was to enable government to proclaim every part or parts of a county in a state of disturbance. He concluded with thanking the House for its indulgence, and regretting that he had been compelled to trouble it so long.

The motion for reading the Bill a third time to-morrow was agreed to.

## ORANGE ASSOCIATIONS IN IRELAND.

NOVEMBER 29, 1814.

Sir John Newport having moved for the production of various papers relating to the Orange Associations of Ireland,—

MR. PEAR said, he rose to second the right hon. baronet's motion for the production of the documents upon which he had so strangely commented; though, perhaps, a fair doubt might be entertained, whether they were of that nature and character which would justify the House in calling for them. But, though he had no objection to their production, as he had evinced by seconding the motion, he could not avoid troubling the House with a few observations upon the speech by which it had been introduced. He regretted very much, that the right hon. baronet had not stated more distinctly the grounds upon which his motion was founded, and the object for which it was made. Upon the latter point, it was difficult to form even a guess; but he confessed, that what had fallen from the right hon. baronet, had rather confirmed an opinion which he had before formed upon this



subject. It would be recollected, that on a former occasion, the right hon. baronet had complained that his conduct had been misrepresented, and that he had been accused of being absent from his duty. The right hon. baronet had, indeed, an opportunity of exculpating himself from that imputation; but as the right hon. baronet had proclaimed himself upon a former occasion to be descended from one of King William's Dutch guards, and as he had spoken in favour of the Peace Preservation Bill, he might conceive it to be necessary to make this motion, in order to rescue himself from the suspicion of being an Orangeman. [A laugh.] If, however, that was not the motive by which the right hon. baronet was actuated, it was utterly impossible for him to guess at the object which he could propose to himself, by making such a motion upon such grounds.

The speech of the right hon. baronet referred, he believed, to one which he (Mr. Peel) made in the last session of Parliament. He wished very much that the right hon. baronet had been in his place upon that occasion, because it would have saved him the trouble of making the present motion; he would then have been able to judge whether he (Mr. Peel) had given encouragement to societies, most unjustly described by the right hon. gentleman, as societies "illegally formed, for the purpose of insulting and harassing their fellow subjects." It would, however, have been but candid towards him, and respectful towards the House, if the right hon. baronet, when he preferred such a charge, had stated the grounds upon which it was founded—if he had stated in what manner and upon what occasion he (Mr. Peel) had given encouragement to illegal societies formed for such purposes, or to political combinations of any description or character, as had been described. The right hon. baronet had spoken generally of addresses presented to him (Mr. Peel) from Orange lodges, and of his answers. Why had not the right hon. baronet, in support of his charge, stated when, upon what occasion, and by whom, those addresses were presented? He had stated they were published; if they were, why did he not produce them? He had a right, the House had a right, to call upon the right hon. baronet to state, not generally and vaguely, but distinctly and specifically, the grounds of his charge. Let the right hon. baronet, if he thought proper, amend his motion, so as to call for every address that had ever been presented to him, in which there was any allusion, directly or indirectly, to this subject, together with his answers. He would willingly support such an amendment, because he only wished that the charges which had been made, should be put in such a shape as to enable him to meet them distinctly. In the course of the last session, an hon. baronet (member for the Queen's County), presented to the House some petitions respecting Orange societies, but before he presented them, he communicated his intention to him (Mr. Peel.) He thanked the hon. baronet for his courtesy, but expressed his regret that he should have felt it his duty to bring forward such a subject. The hon. baronet did present the petitions, and he (Mr. Peel) took that opportunity of stating clearly, and without reserve, his opinions upon the subject, in order to remove some misapprehension which prevailed; and he also made some observations upon the petitions themselves; he showed to the House, that though they purported to come from persons of all religious persuasions, yet that many of the signatures were written by the same person; one particular instance he pointed out, where ninety-eight or ninety-nine names consecutively were in the same handwriting. What he stated upon that occasion, if necessary, he would now repeat. He had never spoken a word, or written a line upon it, which he was desirous to retract. If the principles and conduct of any body of men were misrepresented, nothing should deter him from rising to point out the misrepresentation, and to vindicate them from unmerited charges: persons might disapprove of the principle of all combinations, but they ought, in common justice, to draw a distinction, where a distinction existed, and not confound the associations of the loyal with other associations of a very different character.

After making the statement, which, upon that occasion, he felt it his duty to make, he would ask the House, whether it was of such a nature as to warrant the right hon. baronet in the language which he had used upon this occasion? He would ask every gentleman who heard him upon the occasion to which he referred, whether the sentiments which he then expressed were such as were likely to come from a person who wished to encourage and promote party feeling and religious ani-

mosity. Upon his return to Ireland, at the conclusion of the session, he received from the grand jury of the county of Fermanagh, an address, expressing their approbation of his parliamentary conduct, and a confidence in him, with which he was highly gratified, and which he should be ever anxious to merit and retain. To that address he would read his answer, as it was for the present purpose the most important; and he begged that the House would recollect, that the right hon. baronet had grounded his motion upon what he stated he had seen published in the newspapers. [Here Mr. Peel read his answer to the address.] This was the document, for there was no other upon which the right hon. baronet thought himself warranted in making, in face of the House, the statement they had just heard. He would now ask the right hon. baronet, whether he thought his assertion was well founded? He firmly believed there was no other document in existence upon this subject, and that he had never received and answered any other address of a similar nature, except one from the corporation of Dublin, which contained a remote allusion to the same subject, to which he would read his answer. [Mr. Peel here read the answer.] The House was now in possession of all the documents upon which the right hon. baronet had founded his charge. There was not another document in existence that he could recollect. If, however, he should turn out to be mistaken—if he should, upon a minute search, find any paper relating to this subject, he promised the right hon. baronet it should be produced; but he was as confident as he could be of any one thing that depended upon memory, that no such paper existed. As to addresses from Orange lodges, with answers from him, he most positively denied the fact; and he again called upon the right hon. baronet to state the grounds upon which he made that assertion. But he begged distinctly to be understood, that while he denied the existence of all such documents as those to which the right hon. baronet had alluded, he by no means wished to retract a single sentiment, or a single word, which he had uttered any time upon this subject. It was one upon which, for obvious reasons, he did not wish to create discussion: the only time he had ever referred to it was, when the hon. baronet (Sir H. Parnell) presented the petitions last session; and he then felt it to be his duty, publicly and distinctly, to avow his sentiments. Whether he had had recourse to any secret and unworthy means of supporting privately what he did not avow publicly, he would leave the House to judge from the whole of his character and conduct.

He could not help observing that, when the nature of the office which he held, and the number of transactions in which he must necessarily be engaged were considered, and when the right hon. baronet's vigilance and activity of investigation were also considered, it was most singular, that not one single act of the Irish government was produced, to give countenance to the motion which the right hon. baronet had thought proper to make. He most sincerely wished (if it could be done consistently with propriety) that every document existing, public or private, relating in any manner to the administration of justice in Ireland by the government with which he now acted, or to any subject upon which party feeling might be supposed to operate, could be laid before that House; they would afford the best answer to the insinuations that were sometimes thrown out. He would defy the right hon. baronet, or any other gentleman, to produce any one act of the Irish government, to which the imputation of unfair prejudice or partiality could fairly be attached. He wished the right hon. baronet had brought forward his motion in some more tangible, or to speak more correctly, in some less ludicrous shape.

The right hon. baronet had stated, that for some time after a very strong opinion had been expressed in that House respecting the illegality and impropriety of Orange societies, their ardour had abated; but after what passed towards the close of last session, it had again blazed forth with new vigour. Now, the fact, he believed, was directly the reverse; for if he was not very much misinformed, and he hoped he was not, the societies, called Orange societies, were no longer confederated together by any oath, not even by the oath of allegiance. The right hon. baronet had adverted to the conduct of the grand jury of Fermanagh, respecting the appointment of a Roman Catholic Chaplain, and had asserted, that they acted contrary to law. He had reason to believe that that subject would have been brought forward in the last session, and had then looked into the particulars of the case, and was prepared to enter upon the discussion. He believed the fact was, that by the Act

of 1810, the grand juries were empowered to appoint Protestant, Roman Catholic, and Presbyterian Chaplains to the county gaol, and that, in the case of Fermanagh, a difference arose between the titular bishop of the diocese and the grand jury, respecting the individual appointed by the grand jury. But here again he wished that the right hon. baronet, instead of general assertions, had stated in what manner it was that the grand jury of that county had acted contrary to law. He would not now trespass upon the House any longer; he had felt it necessary to say thus much in answer to the charges preferred by the right hon. baronet, but he begged to repeat, that he did not retract one word he had ever uttered respecting those societies of which the right hon. baronet had complained. He should now sit down, expressing his hope that the right hon. baronet would feel himself bound to state more distinctly what were the grounds which induced him to prefer such charges, and to make such a motion.

At the close of the debate, MR. PEEL admitted, that some abuses had arisen from these associations. It appeared now, that the right hon. baronet rested his motion entirely on a paragraph which he had cut out of a paper, and afterwards mislaid. The business of secretary in Ireland was so great, extending to all the departments of the state, that it might be possible that some address might have been sent to him, which had escaped his recollection. He would, however, expressly declare, that he did not recollect any address that was ever sent to him from any Orange association in Ireland. He was ready, however, to make every search; and would promise, that if any such paper could be found, it should be produced. He remembered that there was a volunteer corps in the north of Ireland, mostly Orangemen, who, in the exuberance of their loyalty, committed some excesses on the 4th of November last: that corps had been since disbanded.

The motion for the papers was carried.

## IRISH LAW OFFICES.

MAY 26, 1815.

On the motion for the second reading of Sir John Newport's Bill, to regulate the fees and emoluments of certain offices of the Courts of Law in Ireland, after the determination of the then existing grants thereof respectively,—

MR. PEEL rose, and said he should feel it his duty to oppose the second reading of this Bill, and he trusted he should be able to satisfy the House of the propriety of refusing to assent to the motion of the right hon. baronet. The measure then before the House purported to be a bill to regulate the fees and emoluments of certain law offices in Ireland; and the reason stated by the right hon. baronet for introducing it was, that the amount of those fees and emoluments was greater than the nature of the situations called for, and that the Legislature had already interfered in cases of a similar kind. In proof of this assertion, the right hon. baronet referred to two bills, which had passed that House, the one introduced in 1810, the other in 1812. On these two bills the right hon. baronet founded the propriety of bringing in the measure then before the House; and he begged to state the nature of those bills. The first was brought forward by the right hon. gentleman (Mr. Wellesley Pole) who preceded him in the office of chief Secretary for Ireland; and the right hon. baronet had given to his measure the same title as that given to the Bill of his right hon. friend, but its provisions were entirely different. The Bill of 1810 went merely to regulate the emoluments of offices; but that of the right hon. baronet not only went to regulate fees, but to alter the tenure on which the offices specified were held, and to prevent the Crown from granting them on the same principle by which those grants were at present regulated. It went directly to provide, that the duties of those offices should no longer be performed by deputy, but that they should in future be executed by the parties themselves. Now, the Bill of his right hon. friend (Mr. W. Pole) provided for the appointment of deputies, who should return to the Treasury the amount of fees taken by their principals. The second Bill was introduced by an hon. gentleman on the floor (Mr. Banks). That Bill was for the purpose of abolishing sinecure offices, and offices performed

by deputy; and the title of this Bill would, in his opinion, be much more applicable to the measure of the right hon. baronet than that which he had chosen. The right hon. baronet's Bill, however, differed materially from that of the hon. member for Corfe Castle. In each instance, it was true, certain offices were to be abolished in the same way; but the preamble of the Bill introduced by the hon. member for Corfe Castle set forth, that it was expedient, after giving to his Majesty the means of rewarding meritorious services, to abolish all offices of a specified description. Now, the right hon. baronet could not say that he had accompanied his Bill for the abolition of certain offices therein mentioned, which were in the gift of the Crown, with any provision by which the Crown would be recompensed for the loss it would sustain if his Bill were carried. The House would therefore perceive, that the two bills to which the right hon. baronet referred, as sanctioning the measure proposed by him, were, in fact, materially different from it. Mr. Peel then proceeded to animadvert on the conduct of the right hon. baronet, in precipitating this Bill, at the very time that commissioners appointed by the House, in consequence of his own motion, were occupied in inquiring into the fees and emoluments attached to some of those very offices which his Bill was intended to abolish. Without waiting for the report of those commissioners, he thought himself competent to bring in a bill to make alterations of a most extensive kind. Surely it would have been more consistent, if, before the right hon. baronet proceeded, he had waited for the report of those commissioners, appointed at his own request, instead of proposing a measure that went to regulate the fees in four of the principal law offices in Ireland.

In the course of the evening, Mr. PEEL said, that after the explanation given on the subject of the office of Clerk of the Pleas, and after the private communication made to the right hon. baronet on the subject, he was astonished that it should again be noticed. As to the office of Clerk of the Hanaper, it became vacant by the death of the Earl of Westmeath. It could not be reckoned amongst the offices of great emolument, as it only produced about £1,600 per annum. In disposing of it, there was nothing whatever to fetter the discretion of the Irish government.

The House divided on Mr. Vesey Fitzgerald's amendment, "that the Bill be read a second time this day six months." For the amendment, 63; against it, 43; majority, 20; consequently the Bill was lost.

## THE ROMAN CATHOLIC QUESTION.

MAY 30, 1815.

Sir Henry Parnell, having presented a petition, signed by 6000 persons from his Majesty's Roman Catholic subjects in York, Birmingham, Norwich, &c., praying for an unqualified emancipation from all civil and military disqualifications under which they laboured, moved for a committee of the whole House to take the subject into consideration.

Several members having spoken at great length on the subject,—

Mr. PEEL said, that to the honour and dignity of the House it was due that the motion for going into a committee should be resisted. If an attempt at arrangement could only be productive of dissatisfaction and disunion, there was no reason why the House should proceed to legislate on the subject; and on this ground it was material to inquire into the state of feeling among the Catholics of Ireland, as that feeling was to be collected from the declarations of persons who possessed the confidence of that body. The hon. baronet who moved the Resolutions had said, that by repealing the laws obnoxious to them, the House would obtain the gratitude of the Irish Catholics. The hon. baronet should have been the last person to talk of the gratitude of the Irish Catholics, when he reflected on the circumstances under which he himself had been induced to present their petition to the House. Mr. Peel said, he should beg the attention of the House to some facts, which he should state principally from printed documents, illustrative of the conduct of that body of men by whom the petition to the House had been drawn up, and of the temper in which it was probable that any concession would be received by them, and by the

Catholics in general. It had been said by the hon. baronet, that the object was so great that they should not "squabble," to use his own words, about securities; but they might see, from the facts which he would state, what was the security which was to be looked for from the feelings of the Catholics themselves. The newspapers most in the confidence of the Catholic body, had given, under the title of "The Catholic Association," an account of a meeting of that body in Capel-street, in which Mr. O'Connell reported that he had waited with the rest of a sub-committee on Sir H. Parnell, who with promptness and cheerfulness had undertaken to present their petition. [Sir H. Parnell observed, that the House was not to trust the correctness of these reports.] Mr. Peel continued, that as a doubt was thrown upon the correctness of that account, he should immediately cast it aside, as he did not attach much importance to it, and should merely assume, which he believed no one would deny, that the hon. baronet had been induced by that body to present the petition, and to propose the Resolutions which he had circulated. He should proceed to mention the circumstances under which this body originated. In 1811, it was determined by the Catholics of Ireland that a body should be formed, consisting of the Catholic peers, sons of peers, and baronets, and the remaining members of the committee of 1793, together with representatives from each parish and town, which body was entrusted with the Catholic affairs, as far as regarded petitions to Parliament, and the forwarding the object of those petitions. Two members of this body were arrested, for having been present at the elections, which was illegal by the Convention Law, were prosecuted, and found guilty. The body was then in appearance dissolved; but an aggregate meeting was called, at which it was resolved, that the members of the Catholic Convention had the confidence of the Catholics of Ireland, and a petition was agreed on to the Prince Regent, complaining of infractions of the law on the part of the Duke of Richmond and his right hon. friend (Mr. Wellesley Pole). An Address was prepared, and read to all the members of the former body, who accordingly met and continued to meet, till in the last year it was dissolved by the Lord-lieutenant in Council, who by a proclamation declared it illegal. The Catholic Committee was thus, as the Convention had been, in appearance dissolved. An aggregate meeting, however, was again held, and a resolution was adopted, recommending to the members of the Catholic Board to form a voluntary association. A body was formed of the members of two bodies, one of which had been declared to be illegal by a judicial sentence, and the other by a proclamation; and by this association was the present Petition to Parliament, and the Resolutions drawn up on the part of the Catholics of Ireland. Every one acquainted with the internal state of Ireland must have known the effect which the existence of these bodies had produced, or whether they could augur any thing of peace or concord from the members who formed part of the voluntary association. They would recollect their interference in the right of election by which those Catholics who had not voted at the last general election in favour of the advocates of the Catholic claims had lost the confidence of their Catholic fellow-subjects:—they would recollect the project of parochial subscriptions, by which power was given to call on every householder for 10d. or a larger sum, to defray the expense of the petitions to Parliament, and by which it was ordered that those who had "refused to pay," should have those words written against their names:—they would remember that a circular was sent to every member of the body to invite them to meet on the first and third Saturday of every month, because they were apprehensive that a religious persecution was about to recommence in Ireland. It was that body also which took on itself to inquire into alleged injuries to some Catholic soldiers; and it was in that body that it was proposed to appoint ambassadors to the Spanish Cortes, to beg their interference with the government of this country. It was that body that appointed a committee to inquire into the means by which the suffering Catholics of Monaghan could best be supported by legal means. The present association, to the honour of the former bodies, was not composed of all the members of those bodies, but of their leading and most violent members. How far, then, were the peace and honour of the United Kingdom likely to be supported by such a body? That question might be answered by every member of the grand juries, who had almost unanimously attributed to that body the disturbed state of their counties. Was the House, then, to accept Resolutions dictated by this body?

But it was said by some, that the House might grant a part of the claims of the Catholics, under the restrictions which might be thought necessary; but to this the Catholics replied, "We will not thank you—we will resist a partial repeal, or a repeal which gives you any security." The Bill which the hon. baronet intended to introduce, would have the effect of separating Ireland from Great Britain; but if a different bill were to be brought in, they should first hear the terms in which the Bill of 1813 was spoken of by Mr. O'Connell, in a meeting of the Catholic Board, which was held for the purpose of passing thanks to the Catholic prelates for their opposition to that Bill. [Sir H. Parnell here again wished to observe on the inaccuracy of the accounts which had been given of his interview with the sub-committee.] Mr. Peel observed, that the passage which he was about to read did not refer to any part of the conduct of the hon. baronet, but of a gentleman (Mr. O'Connell) who possessed the confidence of the Irish Catholics in a greater degree than any other person, and who had the votes of every individual of the association for his appointment to the sub-committee, of which he was a member. At every meeting of the Catholics of Ireland the thanks of the body to Mr. O'Connell were among their resolutions. The opinion of a person who seemed thus to represent the opinions of the Catholic body was of some importance; and the more so, because he had drawn up the present Resolutions and the Bill, which, to save the Parliament the trouble of legislation, had been drawn up and previously circulated, and which the Catholics presented as the only measure they would have. [Hear! from some members on the Opposition side of the House.] If the hon. members thought a different bill might be brought in, they might hear in what terms the Bill of 1813 was described by Mr. O'Connell—"It is impossible," he says, "that you should bear the name and form of Irishmen, and not abhor that absurd and mischievous Bill. You need not be warned that you should confide in your members, &c." Then, alluding to the cheer with which the report of the contested clause in the Bill of 1813 being lost was received, he says, "That ruffian shout of English insolence may be the last outrage on poor fallen degraded Ireland. The day-star of her liberty will arise" (in the shape of the Bill which the hon. baronet would propose). "This last insult is indelibly fixed in the mind of every Irish Catholic, and, though it may be forgiven, it cannot be forgotten." Such language augured the impossibility of any conciliatory arrangement. The Bill, however, which was brought in was described as a bill to bury all animosities, and unite all the subjects of his Majesty in defence of the empire.—If the justice of the proposition submitted to the House were indisputable, he would admit that the conduct of the parties upon whose petition this proposition was grounded, would be a matter of no account. But when the conciliation of these parties was the avowed object, that conduct was a material subject of consideration. From the celebrated speech of that celebrated orator, Dr. Dromgoole, in 1813, at the meeting of the Catholics, from whom this petition emanated, it appeared that no such securities as had been submitted to that House in the course of that year, could be at all acceded to, consistently with a due regard to the discipline of the Catholic Church. And how did this orator describe the Protestant religion, in an authorized publication of his speech? Why, that the Protestant religion, if supported by Heaven, required no human aid; but that, if not so supported, no laws could sustain it; for it must have been built upon a sandy foundation, and had lasted as long as any other novelty. This speech prefaced the Resolutions of the Catholic meeting, by which the Bill brought before the House in 1813 was marked with the most decided disapprobation, especially as to the proposition brought forward for the security of the Protestant Establishment. With those Resolutions, too, the declaration of the Irish prelates in 1813 entirely concurred. Nay, this ecclesiastical assembly voted thanks to Dr. Milner, whom they called the unwearied, incorruptible, and able agent of the Catholic cause. With these proceedings in the recollection of the House, he asked, whether any candid man could calculate that any measure the House was likely to adopt, would give satisfaction to, or excite the gratitude of the Catholic body of Ireland? Such a calculation would indeed be quite idle, as must be evident from the instances which he had cited. Upon the minds of those gentlemen who had, in 1813, declared their expectation that the discussion on that occasion would be final, as explanatory of the views of the House, he trusted that this consideration would have its due effect.

On the whole, seeing that no arrangement was likely to take place that could promise the conciliation of the petitioners, if their wishes were to be judged of from their own language, he could not accede to the proposed committee.

After an extended debate, Sir Henry Parnell's motion was lost, on a division, by 228 against 147; majority, 81.

## EDUCATION IN IRELAND.

JUNE 16, 1815.

The House having resolved itself into a Committee of Ways and Means, Mr. Vesey Fitzgerald, the Chancellor of the Irish Exchequer, brought forward the Irish Budget; and, in the course of his speech, the hon. gentleman enlarged on the subject of the education of the poor.

In the debate which ensued, MR. PEEL observed that, after the luminous exposition which had been made by his right hon. friend, it would be quite unnecessary for him to intrude upon the committee at any length on the question before them. There was one point, however, on which he begged to be allowed to make a few observations. No man could be more sensible than himself of the advantages that would result to Ireland, from the general diffusion of education. In making that statement he wished to be understood, that the benefit ought to be restricted to no particular sect—no distinction whatever ought to be observed. He was confident that it was the only measure to which Parliament could look for the introduction of habits of industry and morality among the lower orders in Ireland; and when they considered the avidity which, to their infinite credit, was shown by the lower orders of the population of Ireland to avail themselves of any means of instruction that were afforded them, it would be a reflection on Parliament, if by any ill-judged and miserable parsimony such means were withheld. It had been his misfortune, in the discharge of his official duty, to be compelled to introduce into that House measures of a temporary nature to remedy existing evils in Ireland. But in doing so he was satisfied that those measures must of necessity be temporary, and that they could weigh nothing in the scale compared with the duration and effect of measures of a more general nature. After adverting to the previous reports of the commissioners appointed to inquire into the existing abuses in Ireland, and to the legislative measures that had been founded on them, he remarked, that the last report of those commissioners suggested a general plan for educating the poor in that country. The reason which had induced him to forbear from introducing that plan to Parliament in the shape of a Bill, was not any insensibility to the advantage of general education, but an apprehension that the plan of education advised by the commissioners would not be advantageous. The report recommended that the Lord-lieutenant should appoint commissioners for the superintendence of the education. Now, he was afraid that this direct interference of the Executive Government would tend to excite jealousies that would counteract the benefits that might otherwise be expected from the measure. After due deliberation, therefore, he felt himself fully warranted in forbearing to introduce to Parliament the system recommended by the commissioners. He conceived, however, that the vote which his right hon. friend meant to propose, would by no means involve the evils which he had just described. He was convinced, and he avowed it without hesitation or reserve, that the only rational plan of education in Ireland, was one which should be extended impartially to children of all religious persuasions—one which did not profess to make converts—one which, while it imparted general religious instruction, left those who were its objects to obtain their particular religious discipline elsewhere—[Hear, hear]. On this subject it was unnecessary for him to dilate. The days were passed when there existed a prejudice against the general education of the poor. Conclusive proofs had been afforded that the manners, character, and habits of a people were improved precisely in proportion to the diffusion of knowledge among them by a rational education. One argument which had been urged against this liberal system in Ireland, appeared to him to prove directly the reverse of that which it was intended to establish. It had been said, that in times of public agitation in that

country the schoolmasters had, by their influence among the lower orders, materially contributed to the evils of those times. But to what was that influence to be ascribed, but to their greater information? If the lower orders, instead of being kept in extreme ignorance, were allowed the means of obtaining information, they would not so easily be operated upon and misled. To the slow and gradual progress of reform among the people of Ireland, Parliament must look for a durable improvement in their character; and he could not conceive a more certain mode of effecting this most important object, than by adopting a judicious plan of general education.

Later in the evening,—

MR. PEEL stated, as a proof of the impartial diffusion of education to all sects in Ireland, that when Dr. Bell repaired to that country a short time since, and the children were examined before him to show their progress in reading, some of them refused to read in any other Testament than their own, and the schoolmasters stated, that they never checked this independence, and never interfered with the sentiments and persuasion of their scholars.

## ORANGE SOCIETIES IN IRELAND.

JULY 4, 1815.

In the debate on Sir Henry Parnell's motion, for an address to the Prince Regent, praying that his Royal Highness would be pleased to institute a commission of inquiry into the nature and character of certain societies, called Orange Lodges, in Ireland,—

MR. PEEL said, it would be unnecessary to detain the House long in showing that, even if the facts were true which the hon. baronet stated, no good could possibly arise from the agitation of the present subject. It was wholly inexpedient, and its introduction at this moment highly injurious. He gave full credit to the consistency of the hon. baronet, in thus bringing forward his motion; at all events, the charge of precipitation would be the last which he would adduce against him, for it seemed to be a part of his system to make this motion at so late a period of the session, as to enable him to make a speech, without, at the same time, incurring the risk of creating the injurious effect which the adoption of his motion was calculated to produce. This had been the practice of the hon. baronet during the last three years, for he allowed the House almost to terminate its sitting before he gave notice of his usual motion on this subject. But what good could arise from the adoption of his proposition? What effect could it produce? The House was, forsooth, to appoint an extraordinary commission, to inquire into what?—why, into the truth of certain facts which were loosely alleged in a petition, and into the truth or incorrectness of the opinions of a learned judge. If this commission were instituted, it would only operate to the exasperation of irritations which were already too much to be lamented. In that case they would only have appointed commissioners to receive the exaggerated details of both parties, and to review judicial cases which had already received the formal decision of the law. The hon. baronet had, in fact, himself shown the absurdity of his motion; for he had, upon the authority of the two judges, declared, that the law was quite clear on the point, and that from a book which he conceived authority, those Societies were exposed to its penalties. If these points were so clearly established, it followed, of course, there was no necessity for the motion, as the existing powers were sufficient for the purposes of suppressing the evil. Besides, the Crown could only empower the committee to inquire, not to punish. On the principle of the measure, it was rather unfair for the hon. baronet to call upon the House to ascertain the truth of allegations which he himself should have probed before he founded upon them a motion of such a description. If his object were to attack the Irish Government for the exercise of any particular partiality, let him come forward with a distinct proposition to that effect, stating the instance in which mercy was shown to one party, or severity exercised towards another, without strong and adequate cause. If the hon. baronet adopted this course, he would be ready and willing to meet him on it. As to saying that the Irish Government did not interfere in the prevention of public



outrage, it was wholly unsupported by the fact; for they had, upon all occasions, conducted prosecutions at the public expense for the complainants, without any distinction. If the hon. baronet had any specific charge, let him produce it; but even if his present statements were true, he would contend that the motion was altogether unnecessary.

The motion was negatived, on a division, by 89 against 20; majority, 69.

## IRISH GRAND JURIES.

FEBRUARY 14, 1816.

Mr. Horner called the attention of the House to what he considered to be an extremely objectionable mode, in general use in Ireland, of receiving evidence, on bills of indictment, by the Grand Juries. It was the practice, he understood, for the Grand Juries to find bills of indictment upon the mere depositions obtained from witnesses by the magistrates, without any resort to parole evidence. He therefore moved "for leave to bring in a bill to declare the law for the right proceeding of Grand Juries in Ireland upon bills of indictment."

MR. PEEL immediately rose and declared, that he felt no intention of opposing the principle of the measure now suggested, but he imagined that no one could deny that such a subject demanded the most anxious inquiry; that in endeavouring to introduce an important alteration in the customary practice of the grand juries in Ireland, in counteracting a usage confirmed by immemorial custom, great difficulties must present themselves; and that the House should, above all things, deprecate precipitation. A considerable time must necessarily elapse before the provisions of this measure could be brought into operation. The next assizes in Ireland must take place early in March; before that period it would be impossible to run the bill through all its stages: consequently, as it could not be applied until the succeeding assizes, no necessity existed of pressing the question. He suggested that some alteration in the civil proceedings of grand juries in Ireland might, perhaps, in that time, be adopted, and that thus associated, the measure would be rendered more permanently beneficial to that country. With sincere pleasure he had heard the candid declaration of the hon. and learned gentleman, that no censure could be applied to the very distinguished and honourable persons who administered the law in Ireland, and with him he also agreed in supposing, that the law now to be introduced should be declaratory: but he begged leave to observe, that the hon. and learned member appeared somewhat precipitate in declaring that the practice of the grand juries in Ireland was contrary to the precepts of the common law. He allowed that the authority of the hon. and learned gentleman in a case of this nature, was very high; but as far as it related to Ireland, he would oppose authority of no small eminence. As far as constant practice could constitute the common law of any nation, he had the statement of the hon. and learned gentleman himself to support his opinion, that the present usage was the common law of Ireland; for he had asserted that it seemed to exist from time immemorial. The practice, as such, had been sanctioned by the first legal authorities of England; for not many centuries past, few lawyers who practised at the Irish bar, were raised to the bench. The judges were supplied almost entirely from Westminster-hall, and these, some of whom were the brightest ornaments of the profession, had sanctioned the practice by their approbation. The name of one of them was familiar with every person the least versed in legal information, as his authority was ever regarded with the highest respect; he alluded to Chief Baron Gilbert, who had been successively chief justice of the common pleas, and chief baron of the exchequer, in Ireland, and subsequently chief baron of the exchequer in England. Chief Justice Reynolds, of the common pleas in Ireland, was also an Englishman, and yet with these, and many others, the practice then prevailing in the grand juries of Ireland had such an influence as to prevent their attempting to disturb it. The hon. and learned gentleman had indeed justly stated, that, in 1762, doubts as to the legality of this practice had been stated by Chief Justice Aston, and a meeting of the judges was convened to consider them. At that time there were only nine judges in Ireland, and of that number seven agreed in the

legality of the practice, and continued it in consequence of its general convenience in the country. Among those who acceded to that opinion were, Lord-Chancellor Bowles and Chief-Justice Willes, both Englishmen. He appealed, in support of his opinion, to the indirect authority of both houses of the Irish parliament. The question, indeed, had never come before the House of Commons, but their silence might be considered a proof of their general concurrence in the practice. It might indeed have been a departure from the common law, but it appeared to them justifiable, in consequence of the great press of civil business which belonged to grand juries, and partly perhaps from a desire to protect witnesses from the indignation to which they were exposed in that country. The indirect authority of the House of Peers was, however, more distinctly marked, for they had suffered one of their own body (Lord Sandford) to be executed for murder, on proceedings precisely the same as were usually adopted on all common indictments. He was pleased that, in the introduction of this measure, no censure was attached to any persons whatever for any past proceedings, and while he agreed in the general expediency of the bill, he hoped that no grounds for objection would be admitted into the wording of it.

Mr. PEARL subsequently rose, in reply to Mr. Ponsonby, to remove the impression of his having appeared to consider the common law of the two countries essentially different. The hon. and learned mover having represented the present practice of grand juries as a deviation from common law, he had merely stated the high authorities by which it had been sanctioned.

Leave was given to bring in the Bill.

## MILITARY FORCE IN IRELAND.

FEBRUARY 27, 1816.

In an adjourned debate on the Army Estimates,—

MR. PEARL said, he wished to avail himself of that opportunity to explain the grounds upon which it was thought necessary to maintain a force of 25,000 men in Ireland; but if it were the opinion of the House that he should defer the explanation till they went into the committee, he would abstain from occupying their attention at that moment. On the contrary, if they thought it desirable to have the explanation then, especially as several of his hon. and right hon. friends had referred to him as the proper person to enter upon those details, and as the military establishment of Ireland was the only branch that now remained unexplained, he should be most happy to seize that opportunity of discharging his duty. [Hear, hear!] With respect to what he had to offer, he should certainly feel much less apprehension if he had to address the legislature of that country whose interests were more immediately involved in the discussion. There was no representative of Ireland, however, who then heard him, who would not admit that the civil power of that country was perfectly inadequate to maintain public order and tranquillity, and that a force of at least twenty-five thousand men was absolutely necessary for that purpose. He knew, indeed, the difficulties under which he laboured, in having to address an assembly, the majority of whom would be likely to form their judgment from a comparison of the circumstances which were daily passing under their own eyes. He must, however, beg all those who were not aware of the peculiar condition, government, habits, and manners of Ireland, to recollect that they were not providing for the wants of England. It had been emphatically said, by an hon. and learned gentleman (Mr. Brougham), on a preceding evening, when using the language in which he presumed an honest counsellor might address the sovereign of these realms, "that England was not Germany;" and in the same sense he would beg the House to recollect that Ireland was not England.

In entering upon the discussion he should most anxiously avoid all topics of a political character, and only refer to the known and actual causes which required the employment of that military force without inquiring what particular events might have occasioned the necessity for it. He believed no one would deny that the situation of the two countries was widely different. In Ireland they did not possess that greatest of all blessings, a resident gentry, possessing a community of

interest with the cultivators of the soil. Whatever might be the disposition of the landed proprietors in Ireland—and he was far from meaning to insinuate anything to their prejudice,—it was obviously impossible that absentee landlords could bestow the same unremitting attention—could feel the same unceasing solicitude—could exercise the same paternal care, or exhibit the same example to their tenantry which it was in the power of resident proprietors to do. From this cause, also, it resulted, that in Ireland, there were many large districts in which there existed no alternative but to deny to the poorer classes all the benefits which flowed from the superintendence of an enlightened and independent magistracy, or to select for that function, persons to whom, under other circumstances, the important trust would not be confided. In Ireland there was a large and active population, without adequate means of employment—a population to whose industry it was impossible to give that direction upon which the peace and tranquillity of every country must mainly depend. He did not mean to inquire into the causes which occasioned so large a proportion of absentee gentry; his only object at present was to state the fact. There were other circumstances, also, of a character too notorious to require elucidation; and he must therefore entreat those gentlemen who were not inhabitants of that country—in the happiness, the comfort, and the prosperity of which, he solemnly declared he felt as deep an interest as if he were himself a native of it—to pause, before they concluded that any particular measures were bad in themselves, because they would not perhaps be applicable to England.

With respect to the military force in Ireland, it was usually appropriated to three descriptions of employment. In stating the nature of those employments, he should perhaps be compelled to draw a melancholy picture of the country; but however melancholy or distressing, if it was a true one, it ought to be displayed to that House. The first description of those employments was that which he strictly considered as military duty; the second included the aid and assistance which it was necessary to give to the civil power, in order to preserve the public peace; the third was also a service which might be considered in the light of aid afforded to the civil power, as it was employed in the suppression of that grievous bane to Ireland—illicit distillation. Before going more minutely into the subject, he wished to guard against the supposition, that he was of opinion that a much larger military force might not be beneficially employed in Ireland. He certainly thought it might: but all that he had to do on the present occasion was, to look to the 25,000 men proposed to be maintained there—and with respect to that 25,000 nominal force, it was to be recollected, that from the nature of the military duties to be performed, it could not be fairly estimated at more than 20,000 effective men. Upon that part of the subject however, it would occur to every one, how extremely difficult it was to ascertain what amount would be required for the performance of strictly military duties. But he could state, upon the authority of military men, some of them commanders of districts, and well qualified to deliver a correct opinion, that every attention had been paid, and every exertion made to reduce those military duties as much as possible. He would take one instance as an example. The nightly guard at Dublin required no less than 659 men, and very considerable reductions had recently been made in the amount. Soon after the rebellion, the seat of government in Ireland was surrounded by barriers which prevented all access to the city, except under such restrictions as were known to those gentlemen who had visited similar towns and cities on the continent. Those, however, were all abandoned. The amount which he had stated was thus apportioned. Dublin Castle, the residence of the Lord Lieutenant in the Phoenix-park, and the patrol of that park, 164; stores of various kinds, and other military buildings, 350; for prisoners, public departments, &c., 145; making a total of 659. In time of peace it might be calculated that they would have no greater duty to perform than at the rate of one night in four, which would require, for ordinary reliefs, not less than 3000 men to be kept up. He merely mentioned that, as an instance to show that every possible attention had been paid to reducing the amount of the military guards.

He came now to touch upon another and a much more delicate appropriation of the military force, namely, its employment in aiding the civil power to preserve the peace of the country. In considering that branch of the subject, it would be necessary to refer to the amount of the establishment at former periods. In 1802, during

the short peace of Amiens, the force kept up in Ireland was not less than 22,000 men. From the year 1803 to 1807 a military force was maintained, exclusively of the militia, to the amount of 32,000, upon the general average; and since 1811, there had been an effective force in Ireland of not less than 35,000. He was aware that, in answer to that statement, it would be urged that those were the establishments during a time of war, and that they could be no criterion for a time of peace. He was most ready to admit the distinction, though he must at the same time observe, that a great part of that force was employed, not for the purpose of repelling invasion, but in aiding the civil power to maintain the public peace of the kingdom.

The army of Ireland, at the present moment, was divided into 441 stations, and he would shortly explain upon what grounds it was so divided. The House must not suppose that the government of Ireland listened to every hasty application from magistrates for a military force—applications which often sprang from groundless fears. The answer invariably returned to such applications was, that it was impossible to attend to every individual who made them, and the same broad line of distinction must be drawn. They were then directed, if the state of the county or district were threatening, to call a general meeting of the magistrates, who discussed the necessity of interposing a military force; but as it was supposed those discussions would have a necessary tendency and bias towards the employment of the military, a further reference was always made to the commander-in-chief of the district, who was likely, on the other hand, to bring to the consideration of the subject, prejudices against the interference of his soldiery; nor was that interference permitted by the government, unless the necessity was sanctioned by his acquiescence. Generally speaking, the applications for military aid were not successful. But, notwithstanding all that precaution and reluctance, the disturbances were carried to such an excess as led to the establishment of no less than 441 military quarters. It was necessary he should state, however, that on the reduction of the army, more than 200 of those quarters would be abandoned, if only a force of 25,000 were kept up. He trusted it would not be supposed that he had any undue predilection for the employment of a military force; but he must say, it was better that justice should be executed by a military force than not executed at all. Surely it would not be denied, that the midnight murderer and the incendiary should be apprehended, and stopped in their dreadful career; and he hoped that those who felt so much sympathy for the sanctity and inviolability of our constitution, would keep some of it for the protection of the well-disposed, the honest, and the industrious, who could not afford to work for their families by day, and provide for their adequate protection by night. If it were required of the magistrates that they should act in the execution of the laws, we were bound in justice to adopt some measures to secure them and their property from danger and destruction.

There was another material point to consider—they never could succeed in inducing the gentry of Ireland to reside upon their estates, unless they were secure when there. If that were not the case, if there were more safety, more protection to be found in England, then England would continue to be the residence of the Irish gentry.

Nor should it be forgotten, that the employment of a military force in Ireland, under existing circumstances, was calculated to save the government of that country from the necessity of recurring to those measures of civil rigour which parliament had sanctioned with its approbation. In some districts where the military was not employed, they had been compelled to suspend the trial by jury, under the operation of the Insurrection Act. But every one would allow that it was better to deter from the commission of crime than to transport for it. If they could succeed in deterring, then there was no necessity to proclaim certain districts. What he asserted was no visionary speculation. Events such as he described were passing at this very moment. The act to which he alluded had been applied to several baronies in Tipperary, upon the unanimous application of forty of the magistrates. He believed he was right in saying the unanimous application. In some cases, indeed, it had been refused; but he knew, as a fact, that not less than seventy-six magistrates of that county, united for the great and paramount object of maintaining the public peace, had applied to government for the application of that bill. A similar course had been pursued in the county of Westmeath. It was proposed, in some counties, to

remove the military; but the unanimous answer of the magistrates was, if you remove the soldiers, you must give us the Insurrection Act, as it will be impossible to do without it. Even on constitutional grounds, therefore, and as calculated to prevent a recurrence to those measures, he would venture to appeal to the House for its approbation of the employment of a military force in aid of the civil power. With respect to its employment in another way, by doing the duty of custom-house officers, he wished to observe, that that system prevailed in Ireland at least as far back as 1779. At that period a regulation was adopted for the employment of a military force in that service; it was stated to be absolutely necessary for the suppression of illicit distillation; and it was further ordered, that any officer refusing so to employ his men, should be brought to a court-martial for a disobedience of orders. He stated that fact to show the propriety of a remark which he made at the commencement of his speech, that even if it should be thought the introduction of a military force was a bad practice, it was at least unavoidable, without the accomplishment of other essential reforms.

He should now state the extent to which the military force had been so employed; and in order also to show that it had not been the policy of one single government merely, he would mention, that in 1806, under the government of the hon. gentlemen opposite, 448 military parties were employed in detecting and frustrating the practice of illicit distillation; in 1807, there were 598 military parties; in 1808, 431; in later periods, still more; and in the half year ending the 31st December, 1815, there were 1889. No one, he presumed, would deny that the morals and habits of the lower classes were not only corrupted by the dreadful extent to which that illicit distillation was carried, but that the laws of the country were violated, and that the revenue was greatly diminished by it. In order that the House might be enabled to judge of the character of those who carried on those practices, as well as of the danger attending their detection or apprehension, he would mention one circumstance that came within his own knowledge. In a district in the north-west of Ireland, well known to the gentlemen of that country, as one where illicit distillation is carried on to an enormous excess, frequent seizures were made by parties of twenty or forty men, who generally had to risk an actual engagement with the offenders. In one instance he recollected, the soldiers were fired at, and no less than two hundred rounds of musketry were discharged in their own defence. They succeeded in their seizures, however; but on their return, they were attacked again, their seizures taken from them, and they themselves obliged to seek shelter in a house on the road, where they maintained a contest with the assailants, till they were relieved by two hundred men, who were marched to their assistance. Such an occurrence would sufficiently show the necessity of employing a military force; but he would again guard against its being supposed that he considered those temporary remedies as at all calculated to afford any permanent relief. He was as fully convinced of their inadequacy in that respect as any hon. member could be; but while that disposition to turbulence existed, would it be contended that the crimes connected with it ought to go unpunished? Would it be said that the desperate bands who roamed about the country at night, ought to remain unmolested?

Perhaps it would be said that the course of policy hitherto pursued in Ireland was a bad one. [Hear, hear! from the opposition benches.] Let it be granted, then, for the sake of argument; still, was it possible to remove the evils of that bad and imperfect policy in an hour, or by the 25th of April? Would it be possible even for the hon. gentlemen opposite, to change, on a sudden, the whole habits and manners of so large a class of the community, to introduce as if by magic, a radical and an effectual reform? It would be utterly impossible. He was perfectly satisfied as to the inefficiency of those temporary remedies, but meanwhile the hand of the robber must be averted, or the whole frame of civilised society must be dissolved, and a residence in Ireland be rendered absolutely impracticable. [Hear, hear!] He was of opinion that much good might be done in that country by a reformation of the police, and he should prefer an army of police, if he might so call it, to a military army. He deeply regretted the imperfect character of the police of Ireland, but any accusation upon that subject would probably apply less to the existing government than to any preceding one. Since he had had the honour of filling the station which he occupied, he had turned much of his attention to the subject of the police,

and had proposed some improvements and alterations which had been since sanctioned by that House. Real, substantial, and permanent reform, however, among the lower classes, could be looked for only from the general diffusion of knowledge, and from enlightening their minds. [Hear, hear!] From such sources of reform he should anticipate the grandest and the noblest results. He could state as a fact, within his own knowledge, that the greatest eagerness prevailed among the lower orders for the benefits of instruction; and he regarded it as the imperative duty of every one, in these times of general economy, not to obstruct the progress or the limits of education, which ought to be as generally and as widely diffused as possible. It would be infinitely better for Ireland and for this country to have a well instructed and an enlightened Catholic population, than an ignorant and bigoted one. [Hear, hear!] While, however, he looked for permanent relief from remedies of that kind, he could not, at the same time, consent to compromise the dignity of the government or the safety of the country, by suffering the daring spirit of insubordination to walk abroad unchecked. To execute with rigour the just sentence of the laws upon such crimes as might appear inconsistent with mercy, he was sure that in the end it would prove the greatest mercy. That system of internal policy which would apply to England could not apply to Ireland. It was absolutely impossible. What would a watch and ward do in Tipperary, for example? Yet that was a plan admirably adapted for a country where there were no fastnesses to which the guilty could retire, where an efficient and highly respectable magistracy was maintained, where the intercourse between that magistracy was uninterrupted, and where there existed a general combination in the people for the support of the laws; but would it therefore do for Ireland? [Hear, hear!]

He hoped in what he had said, that he had at least convinced the House that a military establishment of 25,000 men was not too much for Ireland in her actual condition; if he had produced that conviction, then the only object he had in view was accomplished, and he should sit down with returning thanks for the attention with which they had listened to him. [Loud cheers from both sides of the House.]

## SALARIES OF THE SECRETARIES OF THE ADMIRALTY.

MARCH 20, 1816.

Mr. Methuen moved a Resolution, "That this House does approve of the order in council of the 15th of January, 1800, fixing the salaries of the secretaries of the admiralty at a lower rate in time of peace than in time of war, and does consider the departure from this order, in the order of council of the 21st of June, 1815, by which an increase of salary is conferred on the secretaries, as highly unwarrantable." In the debate consequent on this motion, Lord Castlereagh defended the conduct of government; and several other hon. members having spoken, Mr. Brougham went into numerous details on the subject, strongly censuring the proceedings of ministers with respect to the advance of the salaries.

MR. PERL then rose and expressed his persuasion, that whatever might be the opinion of the House on the salaries in question, whether they might think them too large or too small, there must be but one general feeling of indignation at the unfounded charges, at the unjust imputations, at the unfair and invidious comparisons made by the hon. and learned gentleman, between the amount of those salaries and objects with which they had no kind of connection. [Loud cries of Hear, hear!] He repeated the terms "unfounded charges" and "unjust imputations;" because the hon. and learned gentleman, after having heard from his noble friend (he would never have heard it from his hon. friend) that it was contrary to the wishes of his hon. friend to have this salary permanently attached to his office, had nevertheless proceeded to characterise the transaction as a scandalous job. [Hear, hear!] He repeated that it was a most unfair insinuation to characterise the transaction as a scandalous job, or as proceeding from any considerations of court favour. [Hear, hear, hear!] In the commencement of his speech, the hon. and learned gentleman had professed having listened to his noble friend with an anxious wish to be satisfied, and had intimated that he should have been highly rejoiced if administration had

been able to stand on high ground on this subject. Had he not heard this declaration, he confessed, that if he had been desired to name the man in the House to whom such a discovery would have been more painful than to any other, it would have been the hon. and learned gentleman on whom he should have fixed. From the whole tenor of that hon. and learned gentleman's conduct and arguments—from the feeling with which he received every remission of taxation on the part of his majesty's government—from the unaccountable (he was bound not to say intentional) misrepresentations which continually fell from him—and from a variety of other circumstances, he should certainly have considered the hon. and learned gentleman as the last man in that House to whom any retrenchment proposed by his majesty's ministers, and calculated to entitle them to claim the public approbation, would have proved satisfactory or agreeable. The hon. and learned gentleman had said, that the question was whether or not £1000 a-year should be added to the salary of the secretary of the admiralty. If that were the question, it would be infinitely more proper to postpone it until the navy estimates should be before the House. The hon. mover had fallen into the error of the hon. and learned gentleman, in comparing these salaries with the rewards to those to whom no salaries could sufficiently testify the national gratitude—our gallant defenders. It was impossible to estimate military services by pecuniary considerations. There was something in the profession of arms—something in the nobleness of personal devotion—something in the imminent danger incurred—something in the nature of the glory acquired, that mocked all attempt at compensation by money. [Hear, hear!] If it were possible so to reward deeds of heroism, the debts of that nature due by this country it would not be in the power of the most wealthy and the most liberal nation in the universe to discharge. But, because the nature and extent of military service prevented them from being thus rewarded, ought the civil servants of the country to be excluded from just remuneration? An hon. gentleman had said, that if such a sum were an adequate compensation for twelve hours' labour in the day, such another sum would be an adequate compensation for six hours labour in the day. True—according to the rule of three. But he was sure the House would not be of opinion that the number of hours employed ought to be the criterion of the salary that should be received. The confidence reposed in the officer—the nature of the duties entrusted to him—the abstraction from other avocations in life, to which he could never return—all these circumstances were to be considered in the appointment of the salary. The order in council which had been issued on this subject was necessary, but depended for its confirmation on the sanction of the House. The question before them involved this principle—whether the salaries of public offices ought to be lower in time of peace than in time of war? If that principle were to be established, why was it to be acted upon with respect to the admiralty alone? It was always very difficult to say what was the exact amount of salary commensurate with the duties of any official situation. Nothing, however, could be more disadvantageous to the country, than to reduce those salaries so much, as to prevent the offices from being held by any persons who had not also private fortunes. Nothing could be so aristocratic in its tendency, as to deny to public officers a salary, not merely equal to their current expenses, but which should enable them eventually to retire from the public service with comfort and independence.

Mr. Methuen's motion was lost, on a division, in favour of an amendment, "That the House do proceed to the other orders of the day," by 159 against 130; majority in favour of ministers, 29.

## AGRICULTURAL DISTRESS IN IRELAND—IMPORTATION OF FOREIGN BUTTER.

MARCH 28, 1816.

In a committee of the whole House, on the distressed state of agriculture,—

MR. PEEL said, that however great the distress might be in England, it was much greater in Ireland. In that country all the separate circumstances which contributed to this distress, operated in a stronger degree than in England. If

much evil had been produced in England by the state of the currency, and the failure of the country banks, he appealed to those members who knew the situation of Ireland, whether in that respect it was not still worse. He begged the House to consider that the relief which had been afforded in England by the remission of taxation would not have such an effect in Ireland. Taxes had been remitted to the extent of seventeen millions, being the amount of the property tax and of the malt tax. In England, therefore, there was relief from taxes to the amount of one-fourth part of the whole; whereas in Ireland this relief was only felt to the amount of one-eighteenth part of the whole. The only adequate protection to Ireland would be by giving the preference to her agricultural produce; to this preference she could alone look for relief. But it did not seem to be the scope of the resolution now moved to give this relief, even by preference in the great article of corn. There was another article in which he was glad to hear that relief was to be afforded.—he meant the encouragement of the butter trade. Considering the state of society in that country, relief could only be afforded by giving a stimulus to industry; and this could not be afforded in a more effectual way than by encouraging the produce of this apparently unimportant article of butter. Those who were unacquainted with the situation of Ireland, would perhaps hear with surprise, that there was no one article of such official value as butter, excepting the great staple commodities of corn and linen. To enable the committee to form an accurate judgment as to the importance of this article, he gave the following short statement:—In 1815, the aggregate amount of the total exports of bullocks, cows, beef, and bacon, from Ireland, was £897,245; in the same year the amount of butter exported was £918,000. The total amount of the exports from Ireland in that year, including articles of every description, was about £7,000,000, so that the article of butter constituted nearly 1-7th part of the whole amount of the exports of Ireland. The following statement would show to what an extent the produce of this article in Ireland had of late been diminished in consequence of the importation of foreign butter. In 1813 the amount of foreign butter imported into London was £29,111. In the same year the amount of Irish butter imported into London was £159,872. So that the quantity of foreign butter imported three years ago, was about one-sixth part of the quantity imported from Ireland. But in the year 1815 the quantity of foreign butter imported into London was 134,000 hundred weight; whereas in that year the quantity imported into London from Ireland was only 115,123 hundred weight. This statement would show how much encouragement was wanted for this article; and it would also show, that relief was not afforded by the remission of taxes; but must be given by protecting the produce of the country against that of foreign nations. If the committee were convinced of this, his object would be effected.

## MILITARY STAFF IN IRELAND.

APRIL 5, 1816.

In a Committee of Supply on the Reduced Army Estimates, Mr. Wynn having inquired how the staff in Ireland happened to amount to £10,000 more now than it did in 1802,—

MR. PEARL defended this part of the establishment, observing, that there was nothing in which the Irish government was less concerned. The reduction that had been made proceeded from the commander-in-chief, and the government of Ireland actually protested against it, as being too great. It was only proposed to retain one lieutenant-general and ten major-generals. The hon. gentleman must be aware that it was most material that there should be a sufficient number of major-generals, from the important duties they had to perform. When application was made to the civil power, these officers had to report to the government their opinion, from which it was judged, whether there were a necessity for sending to any quarter an additional military force. It was proposed to retain also seven assistant adjutant-generals. The right hon. gentleman then stated, that in the first estimates, which were prepared in November, there was a mistake, by omitting to insert the reductions which were at that time intended to be made.



## THE IRISH LINEN TRADE.

APRIL 25, 1816.

Mr. Finlay having moved for a Committee to inquire into the propriety of repealing the exportation duties on foreign linen, and the motion having been supported by Mr. J. P. Grant,—

MR. PEEL said he was convinced that the hon. member who spoke last was actuated in what he said by the best of motives: but he was also certain that that hon. member had argued from an erroneous view of the question. It was erroneous to suppose that the people, whose fears were so justly excited by the notice of the present motion, were few in number. The fact was, they were a most numerous, industrious, and respectable body of people. They were, he might say, almost the whole of the population of the province of Ulster. They carried on this important trade, which was the staple trade of Ireland, and which England was bound to protect, as it had been guaranteed to Ireland by the promise of King William III. in lieu of the woollen trade, of which they were then deprived. It was a trade, the protection of which was granted to them in lieu of that great trade in which they were at one time the powerful rivals of England. Would the hon. member say that those men were misguided who looked with fear on any act of the legislature which went to injure their staple trade? Or would he say that they were only a few, when he (Mr. Peel) informed him of their great numbers? The fears which were excited by the notice of the present motion had already had a very powerful effect in causing a partial stagnation of the Irish linen trade, as had been proved by what had fallen from his right hon. friend (Mr. V. Fitzgerald). He would not say that all those fears which were entertained on this subject were well founded, but he would contend, that as such fears were known to exist, it would be impolitic at the present moment to increase them by any act which could ultimately produce no good. He thought that it would be considered as a bad omen by the people of Ireland, if a motion were acceded to, which, in their opinion of it, would be sacrificing their staple trade to the carrying trade of England. This, he was convinced, would be considered as a bad omen of the disposition of parliament towards them, on the eve of its going into the discussion of the motion of the right hon. baronet opposite (Sir J. Newport), and therefore he contended it would be highly impolitic to accede to the motion. An hon. member had said, that the repeal of the transit duties would serve the linen manufacturer of Ireland. This was but an opinion, and against that opinion he could urge two others. The one, that of the foreign manufacturers, and the other, that of a most intelligent body of men—the linen board of Ireland. The former were convinced that the repeal of the transit duty would not serve the Irish manufacturer, and the latter were equally certain of it. The right hon. gentleman concluded by stating, that the present question should not be considered solely in a commercial point of view, but also in a political one. Its consequence would involve great agitation, which it should be the duty of parliament rather to allay than stimulate.

## THE STATE OF IRELAND.

APRIL 26, 1816.

Sir John Newport having submitted to the House a motion on the State of Ireland, to call their attention to its condition both internally and with reference to its connexion with Great Britain,—

MR. PEEL immediately rose. He trusted, he said, that the House, when they considered the important nature of the discussion then before them, and the necessity which he should be under of offering explanations upon the character and intentions of that government with which he had been connected, as well as other opinions more peculiarly connected with himself, would do him the justice to believe that he could not approach the subject without considerable anxiety. In the first place, he wished to render his acknowledgment to the right hon. baronet for the

tone and temper of moderation which he had generally displayed. He said generally, for with one or two exceptions he had carefully and judiciously avoided mixing up other matters relating to the affairs of Ireland, with that peculiar view of her present condition which it was the proposed object of the right hon. baronet's motion to bring under the consideration of the House. The right hon. baronet had abstained from examining the conduct of this or that administration, and had most wisely confined his attention to the general question of the distresses and grievances which agitated Ireland. In adopting that course, he thought the right hon. baronet had conferred a substantial benefit upon the country. It had been too much the custom, in discussing the interests of Ireland, to mingle them with considerations of party, a proceeding which he must always deprecate, for though there might be vicissitudes of defeat on one side, and triumph on the other, yet many bad passions were arrayed on both, and the consequences were most unfortunate for the country, which was the scene of such political contentions. Nothing but desolation and disaster could result from them. It was therefore his intention to follow the example which the right hon. baronet had so laudably set.

With respect to the motion of the right hon. baronet, he thought he was rather precipitate in the conclusions which he drew as to its probable reception, and indeed he heard those inferences with considerable surprise, when he seemed to suppose that all inquiry would be refused. He certainly expressed that surprise, because he thought the right hon. baronet had abandoned those intentions which he had previously communicated to him (Mr. Peel) with so much candour and politeness, of merely moving an address to the throne, calling for information respecting the causes which had produced the present disturbed state of Ireland. Before he ventured to condemn the course which he presumed his majesty's ministers would pursue, he ought, at least, to have told the nature of the inquiry he intended to propose; whether he should move for a public or a select committee of that House. With certain parts of the address proposed by the right hon. baronet, he had the satisfaction of saying that it was his intention to concur. It was but reasonable that the House, after having voted 25,000 men for the service of Ireland, should not rest satisfied as to the necessity of that force upon the mere assertion of any individual. He certainly would not avail himself of the technical formality, that the House having come to that vote, they ought to have inquired before they sanctioned the measure. It would be an unworthy subterfuge on his part, and but a poor return for that liberality and confidence which had induced them to assent to the proposition in the first instance, without calling for documents. [Hear, hear!] The first part of the address went merely to the expression of regret, on the part of the House, at that state of disturbance and outrage which rendered it necessary, in a time of peace, to call for the temporary application of a military force. In that part of it he was perfectly ready to concur; nor did he think the House could possibly refuse to accede to the other part also, which called for information as to the nature and extent of the disturbances which prevailed. For his part, he was ready to afford that information; and it would be best afforded by producing those records from courts of justice in which commitments and convictions had taken place. Much useful information, he was persuaded, would be derived from those documents. He could not, however, help thinking, that if the right hon. baronet thought it necessary to call for such information, it was somewhat precipitate in him to pledge the House to a general inquiry, without explaining the sort of inquiry he desired to institute—how it was to be conducted—and by whom. Did he intend to propose a committee of the whole House, or did he mean to refer that important question to a select committee? Would he wish to transfer to the latter an inquiry into the operation of the laws affecting the Roman Catholics—a question which had been, session after session, under the consideration of the House, and which he himself admitted to be of so much importance as a separate subject of inquiry, that he had abstained from all mention of it in the course of his speech? These were points upon which, in his opinion, the right hon. baronet ought to have afforded some explanation. When the information which he (Mr. Peel) intended to move for should be produced, it would then be competent for the House to decide what course ought to be pursued. He did not wish to discourage all expectation of its being possible to apply some remedy to the evils which afflicted Ireland. But, if he believed with the right hon. baronet that the present state of

tumult and disorder had grown out of the abuses and errors of six hundred years of mismanagement; if, by quotations from the writings of Dean Swift, he were to attempt to show the poverty, wretchedness, and cowardice of the Irish; if he undertook to prove from the operation of laws enacted before the reign of James I., that the affections of the people had been incessantly and violently alienated; if he undertook to show all those calamities, then, indeed, he could not much encourage the hopes of the right hon. baronet. Without, however, going so far as that, he was still inclined to think that the difficulties and evils which encompassed Ireland formed a Gordian knot which could not be cut, and which only the gradual lapse of time could unravel.

Before he followed the right hon. baronet through all the details into which he had entered, the House would probably expect from him a statement of what was the present condition of Ireland. Generally speaking, the north of Ireland was tranquil. No disturbances prevailed there, except what arose from distillation, and the consequent opposition to the revenue laws in certain districts. Those, however, were neither serious nor alarming. The extreme west of Ireland, also the counties of Mayo, Galway, and Carlow, were comparatively tranquil. The same might be said of the south of Ireland, of Cork, Wexford, &c. The east of Ireland was likewise generally tranquil. He meant that in those counties no application had been made to Government for extraordinary police. The counties in which disturbances actually prevailed were Tipperary, King's County, Westmeath, and Limerick. The magistrates of the King's County had requested the application of the Insurrection Act; but they had since petitioned for its removal, asserting that tranquillity was perfectly restored. In Westmeath and Limerick, a considerable improvement had taken place, but the Insurrection Act was still in force. Since he last addressed the House, the magistrates of the county of Louth, and county of Cavan, had petitioned the government of Ireland for the application, not of the Insurrection Act, but of the Extraordinary Police Act. Such was the general state of Ireland at the present moment. There was nothing more difficult than to give the House a character of the precise nature of the disturbances which now agitated Ireland. In former periods of the history of that country, tumults and outrage had subsisted, but they were generally to be traced to small and comparatively unimportant causes. Particular and local grievances, personal animosities, or hereditary feuds, constituted the principal sources of them. At other times, grievances of a more distinct and positive nature were alleged, such as the high price of land, for example, and then the professed object of the combinations was to lower it. But the disturbances which now prevailed had no precise or definite cause. They seemed to be the effect of a general confederacy in crime—a comprehensive conspiracy in guilt—a systematic opposition to all laws and municipal institutions. The records of the courts of justice would show such a settled and uniform system of guilt, such monstrous and horrible perjuries, as could not, he believed, be found in the annals of any other country on the face of the globe, whether civilized or uncivilized. He was far from meaning to say that those dreadful offences arose from the generally malignant or depraved character of the lower orders. In different counties different appearances were presented. He had himself been in some, and it was impossible to find anywhere men more tractable, more obedient to the laws, or more disposed to pay all due deference to their superiors. He was ready to declare, that it was impossible to see them, without admiring many of their qualities. He believed, indeed, that the character of the Irish people had been variously misrepresented; in general, not from any deliberate design, but because, in fact, they were often presented under different and singular aspects. From his observation of them, he believed they possessed great fidelity; in their dealings with each other, great honesty; from their early marriages, they were in general very chaste; and, be it told to their honour, that certain crimes which disgraced and degraded more civilized countries, were utterly unknown to them. He was even told that the Irish language did not possess a name by which they could be designated. But in those parts of Ireland, especially in the county of Tipperary, their depravity was shocking. If any one should urge that he overstated it, he was prepared to confute him by irrefragable documents. He did not speak from vague and ambiguous rumours. What said the records of the courts of justice in that county? What would be the evidence of the twelve men impanelled to

try the midnight murderers of an invaluable magistrate belonging to that county? If he required proof for what he had asserted, he need go no further. If any one would take the trouble to peruse the minutes of that trial, they would be able to form a thorough idea of the character of the people. They would see their extraordinary fidelity to each other in a bad cause—the facilities they afforded to escape punishment—the readiness they manifested to redress the injuries offered to any of their party—the difficulty of bringing home conviction to the guilty, and the detestation in which every one was held who at all contributed, or was instrumental in giving effect, to the laws against them. With respect to the murder of that magistrate, he was afraid it was too clearly established, from the records of the court of justice, that it had been planned several weeks before it was carried into execution. The magistrate upon whom the foul deed was committed was a most amiable man. He spoke only from the opinions of others, as he had not the least knowledge of him personally. He was kind, indulgent, and a ready friend to the poor; but, at the same time, he was a most determined enemy to that terrible system of combination which prevailed. In the neighbourhood of his dwelling, a house had been burned down, because the inhabitant of that house had taken land at higher rent than was thought a proper equivalent by those misguided men. The magistrate, in consequence, exerted himself to discover the offenders, and by his indefatigable efforts, six of them were apprehended. Upon this, the remainder determined to murder him. On the day fixed for the atrocious act, there were no less than four different parties stationed on different roads waiting for his approach. The murder was committed at some distance from Cashel, and the particulars which he related were derived from a gentleman who happened to be travelling that road at the time, and resembling the magistrate (Mr. Baker) in person, narrowly escaped from falling a sacrifice. Information was conveyed by signals from one party to another. The gentleman to whom he alluded saw several persons on the tops of the houses and hay-ricks, waiting for the fatal catastrophe. When the shot was fired, loud cheers were uttered by those who were thus waiting, and then they all retreated. The plan, therefore, had evidently been determined upon months before it was put in execution; and although no less than £13,000 were offered as a reward for apprehending the murderers, by the government and by the resident gentry in the county, he believed no evidence whatever was obtained as the result of that offer; such was their fidelity in a bad cause, and such was the abominable system of confederacy upon which they acted. Not a person was found to come forward and make a voluntary disclosure. He would mention one conclusive proof of the feelings by which they were actuated. One of the murderers who was apprehended, and afterwards hanged for his crime, when in prison, expressed a desire to disclose some particulars. His life was offered as the promised reward for his confession. He accordingly communicated a part; but he afterwards retracted, at the instigation of his wife, who went on her knees to him in the prison, and implored him to be executed rather than divulge the secret. [A laugh, and hear, hear!] The House might probably smile at the conjugal affection of the woman, but he could assure them, there was as much attachment between the husband and the wife as could possibly exist between two persons, and the concern which she felt was, lest her husband should forfeit his character and respectability by betraying his friends. He actually retracted, in consequence of the persuasions of his wife, and was accordingly executed.

Having thus admitted those melancholy facts, he now came to the statements which had been made by the right hon. baronet. The causes of the evils which afflicted Ireland were complicated in no common degree. They might, he was willing to allow, be traced back to a very remote period in some respects. Sir John Davies, in that invaluable Treatise on the State of Ireland which the right hon. baronet had justly denominated a Golden Book, stated that the evils originated in the impolicy of the first conquest of Ireland. That conquest was not undertaken by a sovereign at the head of an army, but was accomplished by instalments, if he might so speak. Different parties of adventurers went over to Ireland, subdued detached portions of territory, and, as they progressively made those acquisitions, they gradually assumed a paramount authority over the native inhabitants. The evils of that kind of conquest were sufficiently proved by the history of Ireland. Other writers also had pointed out the defects of the system adopted towards Ireland.

An impartial one (he meant Spenser, who wrote in the reign of Queen Elizabeth), had forcibly stated the impolicy of excluding Ireland from the benefits of the English law. In fact, there were a hundred customs which then existed, though but now operating, which gradually tended to form the character of the people. Sir John Davies observed, that by the ancient laws of the country murder was compounded for by a fine, a rape for a rape, and a robbery for a robbery. When it was proposed by the governor of Ireland to send a sheriff into the county of Fermanagh, the chieftain of that district said the sheriff should be welcome, but desired to know the price which was set upon his head, in order that, if he should be killed, he might know what fine to impose. Such was the deplorable state of the country at that time; but Sir John Davies allowed that more had been done for the benefit of Ireland during the reign of James I. than during the whole of the preceding four hundred years. Certainly, many of the causes indicated by Sir John Davies and others as contributing to the injury of Ireland at that time, had ceased to operate; but others had arisen of a different, though not less important character. The animosities of families, the irritation arising from confiscations, and other similar causes, were of a description which no legislative interference could reach. Time alone, the prevalence of a kind and paternal system of government, and the extension of education, were the remedies which must be chiefly relied upon. At a later period of the history of Ireland, he was willing to admit the impolicy of imposing commercial restrictions—an impolicy of which, he believed, we were even now reaping all the bitter fruits. [Hear, hear!] By those restrictions we had curtailed the capital of Ireland, and lessened her means of industry; and, paradoxical as it might appear, an increase of population had arisen from those effects. He wished to explain in what manner he conceived that increased population to have taken place. The consequence of the bad policy in imposing the commercial restrictions was, a deprivation to Ireland of a market for her produce, which made land so cheap that the owners of it were enabled to employ any number of hands in cultivating it. They allotted small portions of it to individuals; and it became the more productive because all their labour was applied to those small portions. According to the opinion of the most experienced agriculturists, the same quantity of land, so cultivated, would produce nearly three times the quantum of human subsistence, (he meant potatoes, the staple food of the Irish peasant,) which it would produce of any other kind of subsistence. Hence, the immediate means of supporting a family were more within the reach of the poorer classes of Ireland than of similar classes in this country. Whatever inquiries might be made into the condition of the Irish people, it would be material to ascertain their state as to the supply of food. He had attempted to prosecute that inquiry, and he confined his attempts to those districts which were disturbed, with a view to discover whether there was any connection between that and the causes of the disturbance. He believed the poor of Ireland would be found to be in this condition. Almost all of them rented small farms, which they took from the farmer upon certain conditions. Their rent was partly paid by labour. Thus, if a man gave four guineas an acre for his farm, he worked for his landlord at 10*d.* a day; if he paid three guineas, he received 8*d.* That 10*d.*, however, commanded a greater proportion of subsistence in the article of food which constituted the sole diet of the Irish peasant, than the same sum would produce in England. He was perfectly aware that the food of the poor in Ireland was inferior, and he sincerely wished that it were possible to find any means of giving him better, and a better place in which to enjoy it. Nothing would be more calculated to seduce them from idle and vicious habits, and to inspire a relish for domestic comforts.

He should now proceed to examine some of those causes which the right hon. baronet appeared to think still existed, and for which he also seemed to think remedies might be adopted. He could assure him that he felt the strongest disposition to employ any remedies which might be suggested, and which should appear capable of a really practical application. First, as to the appointment of sheriffs, on which a considerable stress had been laid by the right hon. baronet. He was perfectly ready to admit, that that was a point on which material and essential information might be introduced. The subject, however, had been fully and deliberately discussed in a select committee, which sat during last session for the purpose of inquiring into grand jury presentments. He held in his hand the evidence of that com-

mittee, and according to that evidence it appeared that some persons saw many evils in the present mode of appointing the sheriffs, and others thought it the best that could be adopted. For himself, though he certainly thought the mode of appointing them might be improved, yet the practical evils of the existing one was not, in his opinion, so great as was imagined. The persons who were examined before that committee were many of them members of that House—Lord Jocelyn, Sir John Newport, Sir Henry Parnell, the Chancellor of the Exchequer for Ireland, Colonel Crosbie, and others. The evidence they gave established the existence of many evils, but it was not so conclusively against the present system of appointing sheriffs as might be imagined. It was generally stated that the evil was not one of the present day. It had long subsisted. But certainly he should be ashamed of himself if he felt any reluctance to change a practice merely because the acquiescence in it on the part of the government, of which he formed a part, might be involved in some degree of censure. It should be remembered, however, when they were drawing a distinction between the magistracy of Ireland and that of England, how great the difference was between the state of society in the two countries. With respect to the nomination of sheriffs, the ancient practice was different from the modern. The judges of the assize required from the outgoing sheriff the names of three persons who were thought most fit to serve the office. These names were afterwards examined by all the judges in the Chancellor's chamber, and they selected from them a certain number, according to the circumstances of the recommendation, &c., which they transmitted to the Lord Lieutenant, who thereupon issued his warrant for the appointment of such as he finally determined upon. That mode of electing them was certainly preferable to the present; and he had no hesitation in giving a pledge, on the part of the government of Ireland, that that system should henceforward be resorted to. [Hear.]

As to the general revision of the magistracy of Ireland, he had made every inquiry into the practicability of such a revision, but he apprehended it would be found impossible. In the first place, it was usual for the Chancellor of Ireland to have a more arbitrary power in the dismissal of magistrates than was possessed in this country, where they were never dismissed but upon the sentence of a court of law, or for some gross irregularity of conduct, which rendered them totally unfit for the office. He was willing to admit that there were many persons placed in those situations who were not qualified for them, either by their property or rank in life. But then, he must again beg the house to remember the great difference in the manner in which society is constituted in Ireland. With respect, however, to the selections generally speaking, he did not recollect more than ten or twelve cases of recommendations taking place, and he believed they were all of them made from a conscientious impression of what was considered to be the best for the tranquillity and safety of the country. It might be true that there were persons now in the commission, who were put into it in 1798, on account of their zeal and loyalty to the government, but if the general revision were to apply to them, he did think it would be most unjust to deprive them of their places, without some better ground for such a proceeding. How, in fact, was the Lord-lieutenant to judge what persons were fit but from recommendations? And what a tremendous power it would be giving to leave him to decide what precise degree of character was necessary in order to qualify a man to be a magistrate. What criterion could be adopted for retaining him in office after he had once acquired possession? Would you take the criterion of property? That would be a most fallible one. However plausible or popular the idea might be of effecting what was called a general revision of the magistracy, he was convinced it would be productive of great injustice. That, however, was his opinion, and he knew it was the opinion also of the person at the head of the department which was most concerned.

He now came to that single point, as affecting the grievances of Ireland, in which it was supposed the Government was deeply implicated; and he could assure the right hon. baronet, from whatever sources he had derived his information, it was most erroneous. Those societies which he had alluded to, did not exist, generally speaking, in those counties which were disturbed, and he had never heard them accused as being any part of the causes which produced the present condition of Ireland. But, it was asked, why do you not prevent the celebration of particular days

and events? He should like to know how the right hon. baronet himself would do it. He must be aware that it would be impossible to exercise any effectual control. There were a thousand ways in which the law might be eluded. They might prevent any particular body of persons assembling, who were united for specific purposes, and bound together by illegal oaths: but it was impossible to counteract those celebrations of particular occasions to which the right hon. baronet had alluded. He was aware that he (Mr. Peel) had been subjected to many imputations, as if he had encouraged the formation and growth of those societies. He could only say, that for the greater part of those imputations he had the most profound contempt; but if the right hon. baronet believed, for a moment, that any such encouragement was afforded, directly or indirectly, he could only entreat him to dismiss it from his mind, for he was perfectly wrong. He held in his hands proofs to the contrary—proofs that the government had exerted itself to repress the tumults arising from those causes, and to diminish the operation of the causes themselves. It must be perfectly notorious to every one, that where opposite parties existed, where personal animosities ran high, offence might be conveyed on either side in a thousand different ways, which no legislative interference could reach. But so far as the government could exercise any influence, he would venture to say that it had never neglected the opportunity. It might be easily imagined, for instance, that much inflammation and angry feeling would be excited by playing what were called party tunes. Now, how could that be prevented by law? How could you define the particular sort of tune which could be considered as party tunes, and therefore not to be played? But even in that respect, the government had been careful to do all that lay in its power. By a general order issued on the 24th of June, 1814, a kind of circular letter, addressed to the brigade-majors of the yeomanry, the Lord-lieutenant called their attention to a former circular letter of a similar description, issued in 1810, and which he desired should be considered as still in force. The object of that letter was, to prevent any assemblages of the yeomanry, and to forbid them from wearing their military clothes, or carrying their arms, except when on duty. It further stated, that there were some particular tunes which gave offence when played, and it was requested they might be avoided as much as possible. That was the only kind of influence which could be beneficially exerted in such cases, and that influence, it would be found, had never been neglected by the government.

Among the other causes which had unquestionably contributed to produce the present disturbances and outrages in Ireland, might be reckoned the press of that country. He was far from meaning to say that the benefits which resulted from a free press did not greatly, if not wholly, overbalance the evils of its abuse. He would even venture to assert, that what might be called the extreme licentiousness of the press, in a former period of our history, mainly assisted in securing to us invaluable privileges. But what could be said in favour of a press which never sought to enlighten the public mind—which never aimed at the dissemination of truth—which never endeavoured to correct the morals, or improve the happiness of the people? On the contrary, the most studious efforts were made to keep alive and foment discord, and the malignant influence of the worst passions of our nature. Their only object was, to make it be believed that the very sources of justice were corrupted, that the verdicts of juries were always venal, and the conduct of magistrates always base. By those insinuations, industriously and perseveringly spread, many persons were driven into the commission of some paltry offence, when, in his opinion, they were infinitely less guilty in a moral point of view than those vile and degraded beings by whom they were instigated. The most infamous falsehoods and calumnies were uttered against magistrates, thus pointing them out to the vengeance of those misguided men whose passions were easily worked upon. The consequence of such general and indiscriminate abuse as defiled the public press of Ireland, involving every person whose station, rank, or conduct rendered them at all public, was, that no one dreaded censure, and the force of public opinion, therefore, that great auxiliary to a free press, was utterly destroyed. The House could not form any idea of the licentiousness to which he alluded, by reflecting upon what was called licentiousness in this country. As a specimen, he would read to them a passage from a work which was too contemptible to notice, except as such an illustration: he meant the *Irish Magazine*. They would see the nature of the poison which was disseminated. Until

the present year it had had a wide circulation among the lower orders in Ireland, and they would judge the sort of influence which its infamous and detestable falsehoods were calculated to have upon that class of people. As a proof of the motive for circulating it, he would state, that it was generally distributed gratis, or at least at a price so very much below what the mere cost of printing must be, that it was evident profit was not considered, but only the accomplishment of the most pernicious and villanous purposes. In an article, purporting to be upon the prosecution of the Protestants in France, it said, "If the pious Britons are so indignant, as by their cant they pretend to be, why do they not exhibit some portion of their humanity in behalf of the ceaseless massacres of the Irish Catholics?" It may be asserted in the face of all Europe, that more Irish Catholics have been murdered since the month of May, 1814, than ever suffered in France during the most bloody persecutions, either before or after the revocation of the Edict of Nantes." That specimen, he apprehended, would be sufficient to show to what kind of abuse and licentiousness the press of Ireland was perverted.

He would now advert to one other topic which he conceived ought to be considered as a part of the causes which had tended to place Ireland in her present condition. He alluded to the actual state of the elective franchises. The manner in which they were exercised by the Catholic freeholders was most injurious. It was far from his intention to urge anything against the wisdom or policy of the act of 1793, by which those franchises were extended to the Catholics. He did not think that either the dangers or the benefits which were predicted at that period had been realized; but at the same time he did not think that it had invested the Catholic democracy with any substantial power or advantage. The real advantage which had been derived was not by those who possessed the freehold, but those who possessed the freeholder. In registering the freehold property, he had been told that the greatest abuses existed. Perjury was frequently committed. Leases were made out merely for the occasion, and persons swore to the possession of property which they never saw. If it were asked why such persons were not proceeded against, the answer would be, that if they were committed, they would be immediately bailed out, and never found afterwards. He certainly thought, therefore, that the manner in which the elective franchise was now exercised, required some legislative regulation.

With respect to the Catholic emancipation, he would not say more than that the opinions which he had formerly entertained and expressed on that subject, had been confirmed by every observation which he had since been enabled to make, and that he was persuaded no advantage would result to Ireland from its adoption. He was persuaded that such a measure would by no means operate beneficially on the existing state of things in that country. If he were asked to declare from what measure he imagined the greatest benefit to Ireland would accrue, he would say, without hesitation, that any measure calculated to induce, or, if that were not sufficient, to compel, those individuals to reside in Ireland who now spent the money which they derived from that country elsewhere, would be more immediately felt in its advantageous operation than any other proposition which could be made by any party. He firmly believed that Ireland was precisely in that state in which the benefits of residence on the part of her gentry would be most sensibly felt. The opinion of the lower orders of the Irish, with respect to their government, was too loose and undefined. It was a machine too large for their comprehension; it was a machine too distant for effective operation, and the influence of resident landlords would do more to prevent disturbances, and to effect all the legitimate objects of a wise government, than could be accomplished in any other manner whatever. In support of this opinion, he would appeal to all those who had been in those parts of Ireland in which the gentry did reside, to testify the inestimable advantages which arose from the practice.

The right hon. baronet had somewhat misunderstood his sentiments on the subject of education in Ireland. He had never asserted that from a more general system of education any immediate advantages were to be expected. He had never asserted that education was the only way by which the people of Ireland could be rendered tranquil and industrious. He had always said that the only mode by which that people, as well as any other people, could be rendered industrious was, by adopting such measures as would make it their interest to be so. But while he would encour-



age all those measures which were calculated to produce so excellent an effect on the existing generation, he would not neglect to afford that general instruction from which so much future good was to be justly anticipated. It was the peculiar duty of a government that felt the inconveniences that arose from the ignorance of the present generation, to sow the seeds of knowledge in the generation that was to succeed. It was because he felt strongly the many excellent qualities of the Irish character; it was because he saw even in the midst of the extravagancies and errors which were to be deplored, qualities of the highest description—capacity for great exertion, and aptitude for great virtue—that he entertained on this subject an anxiety which he could not describe. The attachment to that country, which the many excellent qualities of its inhabitants had created in him, would long survive any political connexion he might have with it. [Hear, hear!] He would trouble the House no further, but would conclude by moving the following amendment to the motion of the right hon. baronet :—

“That an humble address be presented to his royal highness the Prince Regent, expressing our deep regret that the internal state of Ireland in time of peace renders it necessary to maintain a large military force in that country for the present year, for the purpose of assisting in the execution of the law, and in the preservation of public tranquillity; and entreating that his royal highness will be graciously pleased to direct, that there be laid before this House, a statement of the nature and extent of the disturbances which have recently prevailed in Ireland, and the measures which have been adopted by the government of that country in consequence thereof.”

Mr. Plunkett followed the hon. gentleman; and, in the course of his speech,

MR. PEEL rose twice to explain. He said he mentioned the act of 1793, not as having originally granted the elective franchise, but as having extended its privileges to the Catholics; and in speaking of the act of 1793, he had expressly said that he did not complain of it, because it extended the elective franchise to the Catholics. What he complained of was, the great abuses to which that act had been perverted. The way in which the Catholic freeholders acquired their right, presented opportunities for the grossest perjury. It had never entered into his contemplation to withdraw those franchises, but he lamented the way in which those fictitious franchises were created.

On a division, the amendment was carried by 187 against 103; majority in favour of ministers, 84.

## FEES OF THE IRISH CLERK OF THE PLEAS.

APRIL 29, 1816.

MR. PEEL rose, pursuant to notice, to move for leave to bring in a bill for securing the profits of the office of Clerk of the Pleas of the Court of Exchequer in Ireland. He said he was anxious, in consequence of what had passed on a preceding evening, to take the earliest opportunity of explaining the nature and object of the proposed bill. It was matter of notoriety, that upon the death of the late Earl of Buckinghamshire, the office of clerk of the pleas in Ireland became vacant, and it was a matter of equal notoriety, that the office itself was one which parliament had declared required regulation. A right honourable baronet, the member for Waterford, had drawn the attention of the House to that office in the course of the last session, and a pledge was then given, that whenever it should become vacant some measures would be adopted for its revision. When the Earl of Buckinghamshire died, he certainly thought that the right of appointment to the office rested in the Crown, and it was his intention to fulfil the pledge for regulating it before any appointment was made. In the meantime, however, the Chief Baron of the Irish exchequer, conceiving the right to belong to him, had nominated a person to the office, and the nominee had been regularly sworn in. The bill which he meant to propose would not interfere in any way with that appointment, as the question whether the right belonged to the Crown or to that individual would be determined by the decision of a court of law. But then, when it was considered

how great a delay might arise before that decision was given, and the great extent of emoluments attached to the office, the legality of many of which was much doubted, a question naturally arose in what way they were to be disposed of. With respect to the Crown, no appointment would be made by it, except for the mere purpose of trying the right, and, therefore, whoever the person might be so appointed, he would have no claim to the fees or emoluments. He certainly could not think it would be expedient to leave profits so immense at the uncontrolled disposal of the individuals receiving them. It was his object, therefore, to propose the bringing in of a bill, which should provide, after a certain day to be therein named, that the profits of the office should be impounded, till the question was decided in a court of law, as to who had the right of nomination. The persons receiving the fees would be compelled, at the expiration of each quarter, to give an account of their amount, and to pay them into the treasury. Of course it would be necessary, meanwhile, that some adequate provision should be made for those who performed the duties of the several offices, and that, he thought, might be left to the discretion of the Irish government. These were the objects of the bill. With regard to the principle of vested rights, he did not see how it could apply in any manner to the present question. The office had been declared, long ago, a fit subject for regulation. Besides, considerable doubts existed as to the legality of many of the fees, and certainly whatever might be said about vested rights generally, it could not be pretended to urge a vested right in favour of emoluments which might be declared in themselves illegal. The right hon. gentleman concluded by moving, "That leave be given to bring in a bill to secure the profits of the office of the clerk of the pleas of his Majesty's court of exchequer in Ireland, whilst the right of appointment to the said office is in litigation."

[On the death of the Earl of Buckinghamshire, the Chief Baron of the Court of Exchequer in Ireland had appointed his son to the vacant office. It was said that the fees of the office amounted to from £30,000 to £35,000 a year.]

To some remarks of Mr. Horner, Mr. PEEL replied that the officers in question would be compelled to account for the whole of the fees, from the time that the office became vacant by the death of its late holder. The present bill had no reference to the regulation of the office: it went merely to provide that its emoluments might receive their proper destination after the right to possess them was decided. The bill for regulating it could not be introduced till the report of the commissioners was received. Any enactment that should be made, before this report was received, would be made in the dark.

Leave was given to bring in the bill.

## CLAIMS OF THE ROMAN CATHOLICS OF GREAT BRITAIN.

MAY 21, 1816.

Mr. William Elliott having presented a petition from the Roman Catholics of Great Britain, praying for relief from certain penal statutes, the said petition was ordered to lie upon the table. Mr. Grattan then moved a resolution, in substance, that this House will, early in the next session, take into its serious consideration the state of the laws respecting his Majesty's Roman Catholic subjects, with a view to a final and conciliatory adjustment. Lord Castlereagh having expressed his assent to the proposed measure,—

MR. PEEL said, he was very sorry to be compelled to differ from those with whom he was in the habit of acting; but, lest his silence might be construed into acquiescence in the arguments of his noble friend, he felt it due to himself to declare, that he continued to feel the same objections which he had felt to similar motions on former occasions. The House had formerly been told that the subject was of vast magnitude, and that it was due at least to the great body of the Catholics to take their claims into consideration, to try, at least, whether some amicable arrangement might not be effected. The subject, however, had been taken into consideration, and after that fair and full experiment, he appealed to the House whether the Protestants or the Catholics were satisfied with the bill then proposed. Besides his ob-

jections to grant the Catholic claims in general, he could not consent to give a precipitate pledge to take the subject into consideration at a future time, which might be most unfit for that consideration. Neither the arguments of the right hon. mover, nor of his noble friend, had applied to this point. There were many considerations extrinsic and collateral to the claims themselves, which determined the propriety of discussing them at any particular time. It had been admitted on all hands, that some times were peculiarly unfavourable to the discussion of these claims. If not, why had not the consideration been brought forward at an earlier period of the session? or why did not the right hon. mover now ask for leave to bring in a bill? If, then, the present session were not favourable for the consideration of the claims, what security was there that the next session would be more favourable, or why should the House be shackled as to its future proceedings? If next session were favourable for the consideration of the question, the right hon. gentleman might then move for a committee, or for leave to bring in a bill, without any such previous pledge. Though he did not intend to say anything as to the general merits of the question, he would rectify some misconceptions of what had fallen from him in the debate on the state of Ireland. He had never said that 25,000 men were necessary to keep down the discontented Catholics. It was to be recollected, that 40,000 men had been kept up in Ireland during the war, and he had said, that he did not think it would be expedient, with a view to general tranquillity, to reduce more than 15,000 in the first year of peace. The disturbed state of Ireland did not arise from the direct or indirect operation of the political disabilities, but from the system of past impolicy, and to the commercial restriction to which that country had been subjected, and which had increased her population without increasing her wealth. Some part of the evil might be attributable to the penal laws, which were repealed, but which were not to be confounded with the political disabilities which were still in force. It was to be recollected, that the present disturbances in Ireland did not exist in those places in which religious party spirit was most prevalent. Most of the Protestant and Catholic countries were tranquil. The disturbances were grounded on combinations to reduce the price of land, and other subjects not even remotely connected with the political disabilities of the Catholics. If to accede to the Catholic claims would put an end to the tumult, it would be fair to conclude that past concessions would have been accompanied with a diminution of these disturbances. But he would appeal to the House whether, since 1792, when the great concessions had been made to the Catholics, the state of Ireland had not been infinitely worse than before. The argument which would be opposed to this fact was, that something still remained to be conceded, and that therefore the Catholics were still discontented. But even the bill of 1813 did not profess to put Catholics on an equality with Protestants. The two highest offices in the law and the state remained shut to them. There would be still something to concede, something on which to ground new demands and new discontents. The Lord-lieutenant, in consequence of that discretion, excluded them from offices, the exclusion would be more invidious than a legal exclusion, and more likely to create discontent; if they were admitted, it would be to try a dangerous experiment. He was convinced that the Catholics would not then be satisfied to see a church established for the minority of the nation, or to support Protestant pastors by their tithes. The same ground for irritation would exist which now existed—the same weapon would remain in the hands of the factious. He should, therefore, oppose the motion, which would pledge the House to the consideration of a question from which he anticipated no good effect.

The motion was negatived, on a division, by 172 against 141; majority, 31.

## TITHES IN IRELAND.

MAY 22, 1816.

Mr. Newman moved for the appointment of a committee, to take into consideration certain petitions which he had presented to the House on the subject of Tithes,

and to report their opinion whether it were expedient to enable tithe-holders to substitute pecuniary payments for tithes in land at certain periods. In the course of the debate which followed,—

MR. PEARL said, that it having been determined to appoint a committee for the limited and specific purpose of inquiring into the expediency of allowing the proprietors of tithe to make arrangements with respect to their tithes for a certain period of years, under certain regulations, he hoped that this committee would extend its inquiry to Ireland. He hoped so, because there were petitions from Ireland suggesting the propriety of enabling the clergy to make arrangements of this nature. He hoped so, because the uncertainty with respect to tithe was one of the alleged causes of popular discontent in Ireland—and he thought there might be some just dissatisfaction and disappointment, if, when an inquiry upon a subject connected with tithes was acceded to in this country, Ireland was not included in it. He hoped so also, because the interests of the church of England ought never to be considered in a separate point of view from the interests of the church of Ireland: in fact, the church of England did not exist separately from the church of Ireland. By the 5th article of the union, the churches of the two countries were united into one—one protestant episcopal church, under the name of “the united church of England and Ireland.” It was possible that circumstances in Ireland might make some arrangement with respect to tithe, if feasible, more expedient than in England—but he hoped that the House would never listen to any proposition with respect to tithes in Ireland, which did not only admit the full right of the church to that property, but which did not also most effectually secure the interests of that church from injury. He hoped that nothing which made it compulsory upon the church to exchange the property in tithe for property of another description, would ever be acceded to. If it were possible to give an option to the parties to commute their tithes, and thus introduce certainty and regularity in the payments to the clergy, he should rejoice at it, provided the interests of individuals could be made compatible with the interests of the establishment. Many regulations would be necessary, in the event of such an arrangement, for the protection of both parties—the receiver and the payer of tithe. He thought there were great difficulties in the way of an arrangement, with respect to tithes in Ireland, even so far as the interests of the payer of tithes were concerned. The dissenters from the established church might prefer a small increase to their rent in the place of the present contribution to the clergy; but if by relieving them from tithe you double their payments in the way of rent—if you make them pay 20s. to the middleman or the landlord, instead of 10s. to the rector, you confer anything but a benefit upon them. He believed this consequence would result from many of those plans which had been suggested for the commutation of tithe; not indeed from those which proposed the abolition of tithe, or an obligation on the church to remit part of their just tithes, but from those which proposed to give the church some just equivalent for their present property; and none others ought even to be listened to.

The motion, in an amended form, was agreed to.

## ILLICIT DISTILLATION IN IRELAND.

MAY 22, 1816.

In a debate which arose out of Mr. Shaw's presentation of a petition from the licensed distillers of the city of Dublin, praying for an immediate reduction of the present high rates on licensed spirits,—

MR. PEARL complained of the unfairness of continuing the debate upon the general principle of the question at the time when his right hon. friend (Mr. Fitzgerald) had precluded himself from replying, imagining that the discussion would not be persevered in. If the right hon. baronet who last spoke (Sir J. Stewart) felt so indignant at this unjust, unconstitutional, and tyrannical law, why had he so long remained quiet under it? The law was originally enacted by the Irish parliament, and the British parliament was the first to repeal it. At the time when the system of fining town-lands was not established, the gaol of Cavan was so full that it was

necessary to give the prisoners shelter by temporarily covering the yard: yet at the present moment, with this severer law, the gaols were comparatively empty. The committee of 1812 reported, after full investigation, that this law, now so odious, should be enacted; only three Irish members attended the committee, though all were invited, and only seven votes were recorded against the bill for imposing fines on town-lands when it was brought before the House; among them was not found the name of the right hon. baronet. It was not to this bill, but to the low price of grain in Ireland, that he (Mr. P.) attributed the increase of illicit distillation. As to the amount of fines, he would ask whether the county of Donegal had paid more in fines than it ought to have paid in revenue from spirits? Donegal, in truth, contributed but little to the regular revenue, and with the addition of the fines, that county would still have a considerable balance in its favour. No doubt it would be easy to state individual cases of hardship under any most beneficial law, but no man would contend that they formed a solid objection to it.

The petition was ordered to lie on the table.

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### ROMAN CATHOLIC SECURITIES.

MAY 28, 1816.

Sir J. C. Hippisley, after some introductory remarks, moved, "That the several official papers relating to the regulation of the Roman Catholics in several states of Europe and the colonies, which have been laid before this House in the present parliament, be referred to a select committee; and that they do report the nature and substance of the laws and ordinances existing in foreign states respecting the regulation of their Roman Catholic subjects in ecclesiastical matters, and their intercourse with the see of Rome or any other foreign jurisdiction."

MR. PEEL observed, that in 1812 the hon. baronet had proposed a motion of a similar nature, which was seconded by a right hon. friend of his, and was supported by himself. At that time the House had distinctly pledged itself to make inquiry into the Roman Catholic claims; and he distinctly stated, that he gave his support to the motion on that ground. Under the present circumstances the House had not entered into any pledge, and therefore it would be perfectly consistent in him to oppose the motion. As, however, he saw nothing radically objectionable in it, it certainly was not his intention to oppose it; but, in acquiescing in it, he did not pledge himself that it would remove his objections to those concessions which the hon. baronet might have to offer. He meant to give no opinion as to the ordinances of foreign states, whether or not they were applicable to this country; but he confessed it appeared to him that no securities which the hon. baronet could devise were likely to remove those objections. He also thought, that any motion grounded on securities or concessions on the part of the Catholics, would not meet the general approbation of that body; and as a proof of this, he mentioned the resolutions of the Catholic bishops in 1816, a meeting of which the hon. baronet had made mention. At this meeting, the bishops described the anguish which they must feel at being particularly pointed out as objects of suspicion, as persons against whose practices the common laws against traitors were not held sufficient, and of course they condemned such interference on the part of the Crown, in their nomination, founded on such suspicions. On the whole, he did not think that emancipation could be granted with safety to the country, or accompanied by restrictions with satisfaction to the Catholics.

The motion was agreed to.

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### THE IRISH MAGISTRACY.

JUNE 13, 1816.

Mr. Prittie having moved, "That there should be laid before the House copies of the correspondence between the Irish government and the Rev. J. Hamilton, curate of Roscrea, and magistrate of the county of Tipperary."—

MR. PEEL observed, that he had no interest in misstating anything concerning this matter. There was much disorder in Tipperary in November, and 40 magistrates applied to government to put six baronies under the act. There then was committed the atrocious murder of Mr. Baker, a magistrate generally much esteemed, but obnoxious to some for his activity in trying to restore tranquillity. Shortly afterwards a conspiracy, as it was understood, was formed against Mr. Hamilton. Government did not give full credit to the information they had received from one man. Mr. Hamilton had procured assistance, and placed a figure in a room of his house dressed up like himself. The conspirators came, and fired a shot at it, upon which Mr. H.'s party seized fourteen of them, who were sent to legal trial. One of the party confessed his guilt voluntarily; but they all escaped. Government disapproved of Mr. H.'s proceeding, and had always avoided any measure to lead people into the commission of crimes. A witness on the trial guilty of prevarication was indicted, but the grand jury ignored the bill. He (Mr. P.) had communicated with the lord chancellor of Ireland on Mr. Hamilton's case, but his lordship said he did not wish to act in the case without official information. The apprehension of assassination, it appeared, was strong in the mind of Mr. Hamilton, who was in indifferent health, and had felt much alarmed. In all other respects he appeared to have been an active and useful magistrate; which excited dislike to him among the lower orders. He should certainly object to the production of the correspondence, and could not conceive any precedent more fatal to the peace of Ireland than to encourage inquiries of this nature without a proper foundation.

Later in the evening, Mr. Brougham having presented a petition from a Mr. O'Hanlan, a gentleman who had been removed from the commission of the peace in Ireland.—

MR. PEEL adverted to the extraordinary circumstance of his being twice called on in the course of the same evening to answer to charges against the lord chancellor of Ireland; in the one case for not striking a magistrate out of the commission, and in the other for an opposite line of conduct. He would shortly state the facts of the present case, and then leave the House to judge whether my Lord Chancellor Manners had acted with propriety or not. The petitioner had lately been a magistrate of the counties of Armagh and Down. In consequence of a representation to the lord chancellor, some time in 1808, he was removed from the commission. The lord chancellor, however, having afterwards investigated the case more fully, admitted that in removing Mr. O'Hanlan, he had acted unjustly, and he in consequence reinstated him. He would ask if this fact was not alone a sufficient proof that the person who acted in this manly way, could not be swayed by motives of political partiality? The manner in which the lord chancellor acted was best explained in a letter from him to the Marquis of Downshire, in answer to that which he had received from the marquis, accompanying Mr. O'Hanlan's memorial. It was there stated, that a complaint had been preferred by the chairman of the county of Down against Mr. O'Hanlan a short time before, and that in the opinion of the assistant-barrister of the county of Down, his conduct was such that he ought then to have been removed from the magistracy. Instead of removing him, however, he had merely cautioned him not to follow a line of conduct, which made it impossible for any gentleman to act with him in the magistracy. In February last a memorial was transmitted to the lord chancellor by the bench of magistrates of the county of Down against Mr. O'Hanlan. A charge had been exhibited against a soldier for having assaulted a gentleman in the neighbourhood of Newry, and out of a bench of twelve magistrates and the assistant-barrister, eleven with the assistant-barrister voted for the conviction of the soldier, Mr. O'Hanlan alone differing from all his brother magistrates, against whom he delivered a most intemperate speech from the bench. After this they presented a memorial praying for his removal. It was signed by sixteen magistrates; and at the head of them was the assistant-barrister, Mr. Dawson, a different gentleman from the one who joined in the former complaint. It stated that Mr. O'Hanlan was in the habit of attacking his brother magistrates with language of a most unbecoming description—that at every trial for rioting he had constantly acted as the warm advocate of one party, and the opponent of the other; and that he had frequently delivered such sentiments as were calculated to excite the lower orders to turbulence and disrespect to the laws.

He held in his hands a letter from the lord chancellor, stating, that he did not proceed to remove Mr. O'Hanlan, till he had had the opinion of Baron M'Lellan in favour of that measure. These were the grounds on which he had acted. It had been asserted, that previously to such removal, an inquiry ought to have taken place into the conduct of Mr. O'Hanlan. But he would here appeal to a right hon. gentleman (Mr. Ponsonby) who formerly filled the same office, whether in proceeding to reform the magistracy of two counties he adopted such a line of conduct?

There was much difference of opinion in the House on the subject; but, after considerable discussion, the petition was ordered to lie on the table.

### THE IRISH VICE-TREASURER.

JUNE 14, 1816.

In a committee on the Revenues Consolidation Bill, Sir John Newport having inquired whether ministers persisted in their intentions of creating, in addition to the place of Irish Vice-Treasurer, that of a Deputy Vice-Treasurer, and having been answered by the Chancellor of the Exchequer in the affirmative, Sir John Newport said, that that was creating a sinecure of £3,500 a year. Mr. Ponsonby then moved, that the sum of £2,000 be substituted for that of £3,500.

MR. PEEL had heard only one new argument against the measure; and that was the enactments of the act of Anne against new offices: but the present bill put an end to eight old offices, and substituted only three in the place of them. Five lords of the treasury, a chancellor of the exchequer, and two secretaries, were now no longer maintained. If the consequence of this consolidation were the abolition of five offices, the right hon. gentleman would find it very difficult to raise arguments against the measure from such a reduction. The other argument advanced by the right hon. gentleman was, that the situation might be filled by a clerk: but would the right hon. gentleman apply this to the paymaster of the forces and the treasurer of the navy here? And yet the office in question was not one degree less important, inasmuch as the party who filled it had the control of the lord lieutenant's accounts, and the audit of the exchequer of Ireland. The right hon. gentleman indeed did not feel quite satisfied with the £2,000 he had himself proposed; but thought that the same sum as was paid to the lords of the treasury might do. If any conclusion could be drawn from this, it applied equally to the great offices here; the duties of the treasurer of the navy were equally important with those assigned to this office. The right hon. baronet had said, that if £1,000 a year were sufficient for the deputy, who would be required to perform the duty during half the year, £2,000 would be enough for the principal, who would fulfil it the other half. This argument appeared to have no good foundation. The principal had not only half the duty, but the whole of the responsibility both of his own acts and those of his deputy.

Mr. Ponsonby's motion was negatived, on a division, by 108 against 66; majority 42.

### LUNATIC POOR IN IRELAND,

MARCH 4, 1817.

MR. PEEL rose to call the attention of the House to the distressed state of the lunatic poor in Ireland, from the want of proper asylums to receive them. In Dublin there was one institution open for their reception; there was another of this description in Cork; one or two other counties had similar asylums for the reception of the lunatic poor; and there was one in Tipperary, which contained about forty persons. With the exceptions of the institutions of Dublin, Cork, and Tipperary, there was not provision made for more than a hundred persons in this unhappy state in all Ireland. In consequence of this, it had become a common practice to bring unfortunate creatures to the door of the institution in Dublin, and there leave them in the most deplorable state, without ascertaining whether or not it were possible for

them to be received. In consequence of the report made by gentlemen appointed to investigate the state of Ireland in this respect, he had determined to inquire into it himself, and the result was, he had found, that in twenty-four counties in Ireland, not a single cell was provided for the reception of lunatics. It must be felt, that it was not right these unhappy beings should go abroad free from restraint, yet this was, in many instances, the case, where they could not be sent to the Dublin institution. Some provision for such cases, he was of opinion the House would agree with him, ought to be made. He would therefore move, "That a committee be appointed to inquire into the expediency of making further provision for the relief of the Lunatic Poor in Ireland."

In the course of the evening, Mr. PEARL stated, that there had been added an establishment called the Richmond Lunatic Asylum, to the House of Industry in Dublin, which was most convenient as a district establishment; but from the opinion prevalent that there was thus created abundant accommodation for all the Irish lunatics in Dublin, it had occasioned many more to be forwarded than could be possibly accommodated.

The motion was agreed to.

## SCARCITY OF PROVISIONS IN IRELAND.

MARCH 5, 1817.

Mr. Maurice Fitzgerald having moved for an inquiry into the amount and state of human food in Ireland, with a view to ascertain whether or not it might be expedient to prohibit distillation from grain, in that country,—

Mr. PEARL frankly admitted that there was nothing in the manner in which this subject had been taken up by the right hon. gentleman calculated to embarrass the government either of this country or of Ireland, or to produce an undue impression on the public mind; and that if by the agitation of the subject in the House, that sort of salutary apprehension should be produced which might lead to a more sparing use of human food, so far from being prejudicial it might be productive of considerable advantage. This was the very last subject respecting which government ought to suffer themselves to be unduly actuated by public impressions. Government ought not even to be actuated by the impressions of honest and well meaning men, who had not the same means of information as themselves. If they were satisfied that the stopping of the distilleries would not be productive of such advantages as would compensate for the mischief resulting from such a measure, they ought to resist it. He agreed with the right hon. gentleman, that if a stoppage of the distilleries could increase the supply of food, every consideration merely of a financial nature ought to give way. The loss of revenue, from the encouragement which would be given to illicit distillation by the cessation of legal distillation was not to be put in competition with the subsistence of the people. The two things to be considered were—1st, If there were reason to apprehend a deficiency in the supply of human food in Ireland; and 2dly, If there were reason for apprehending a deficiency, whether a prohibition of distillation would have a tendency to increase the supply. He thought he should be able to satisfy the right hon. gentleman and the House that a prohibition of distillation would not lead to the result which he anticipated from it. The question was not merely whether they would prohibit distillation in Ireland. The trade with this island was free, and consequently such a prohibition would give to the English distiller a preference in the Irish market. He might be told, indeed, that it was possible to stop also the intercourse between the two countries. But would it be expedient not merely to stop all legal distillation in Ireland, but also to suspend all intercourse between the two countries in articles the produce of either? But he would confine himself to the question, whether the prohibition of distillation was likely to have the effect of leading to an increase in the supply of food. In the first place he would agree with the hon. gentleman, that the supply of last harvest were not so defective in quantity as in quality. This was best proved by the variations in the prices of the same article. According to the last market note which he had received from Dublin, oats varied from 8s. to 32s, the barrel, wheat from 21s.



to 92s., and barley from 14s. to 38s. If they were to deprive the small farmers of the market for their inferior grain, which could only be worked up in the distilleries, they would only aggravate the distress of the country. A very considerable portion of the food of last crop could not be converted into human subsistence. With respect to the probable savings of food from the stoppage of distillation, he would leave the House to judge what increase of supply could be expected from this source. The quantity of spirits distilled last year, in Ireland, on which duty was paid, amounted to 3,600,000 gallons. From the circumstances of the times by which all ranks high and low were affected, a diminution in the amount of this year was to be expected. The power of purchasing luxuries in high and low was abridged; though whisky could not be considered in the light of a luxury to the lower orders. In that damp climate, and from long habits, it was almost an article of the first necessity. By a return which would be laid before the House to-morrow, and which was brought up to the 5th of February, a complete month having since elapsed, it appeared that the quantity distilled this year amounted to 2,350,000 gallons. It appeared, therefore, that up to the 5th of February, two-thirds of the quantity of last year were already distilled; and he had not the least doubt, but that before the present motion could be acted on, the whole stock of spirits would be made. For in any regulation affecting the distilleries, it would always be necessary to allow them to work up the quantity of grain bought by them, and unfit for any other purpose.—It should be borne in mind, in speaking of distillation from grain, that the whole of the corn so employed was not lost to the purposes of supporting life. It was calculated that four barrels of grains, after the spirit had been extracted, would go as far in that way as one barrel of corn, so that it might be reckoned, that one quarter of the grain so employed was not lost to the purposes of subsistence, but went to increase the quantity of pork or milk, or other articles available to food. It should also be considered, that one of the evils attending the stoppage of the regular distilleries would be the stimulus thus given to illegal distillation, which would probably cause, on the whole, an increase of the consumption of corn. As a proof that no scarcity of grain was sufficient to put an end to this illegal distillation, he should only mention what had occurred in the north of Ireland, where the distress had been most peculiarly felt. In Ireland, he should observe in passing, a partial distress, however severe, was not indicative of a general scarcity, as might be proved by the difference of the prices in different parts of that island at present, they being actually double in some places what they were in others. This arose from the want of those facilities of internal communication which existed in this country, and also from the circumstance, that persons were generally in the habit of raising the food for their own families, whence there were none of those great markets so common in England. In the north of Ireland, where he had observed the distress was greatest, there were 200 prosecutions for what were called still-fines (penalties imposed on town-ships on account of illicit stills found within their limits for prosecution) in one county. They had heard much said in the last session (and justly) of the severity of the laws against illicit distillation. But if, as thus appeared, these severe laws had not been effectual to prevent illicit distillation, the House might judge what the effects would be, if a further stimulus were given to that practice. The effect he thought, would be, that the illegal distiller, thus receiving encouragement, would work up even good corn, which the regular distiller abstained from using. The illicit distiller, in producing a given quantity of spirits, consumed one-third more of grain than the regular distiller, from want of capital and skill. He was likely, too, to use the best corn, because he would not run a greater risk of discovery. When it was to be considered that in addition to the other circumstances, it would be at least a month before the stoppage could be effected, he was persuaded the proposed measure would not save one barrel of corn.—As to the recommendation of the right hon. gentleman, to the Irish government, to consider the question attentively, he could assure the House that they had not been inattentive to the question; but as to the inquiry with a view to the stoppage of distillation, he decidedly objected to the measure, because such an inquiry as that would alarm the distillers, would cause them to take all measures to increase their present distillation, and also to submit the corn in their possession, or which they could procure, to such processes as would render it unfit for any other purposes but distillation. What could prevent them while this inquiry was going on, from making all the

grain in their possession, or setting all the mills in the country at work? On these grounds he conceived the motion would produce mischief rather than good. He should add, that the Irish government had taken all practicable means in its power to obviate the dangers of scarcity, especially by taking on themselves the responsibility of admitting American flour, which the letter of the law did not permit. The government had thought fit to admit it by a treasury order, not so much for the purpose of consumption alone, but for the purpose of mixing with the flour of inferior grain.

The motion was withdrawn.

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## PRESERVATION OF PEACE IN IRELAND.

MARCH 11, 1817.

MR. PREL rose to ask for leave to bring in a bill to amend an act of the 54th of the king, for enabling the Lord-lieutenant of Ireland to appoint superintending magistrates and constables in those districts of Ireland which might unhappily become the scene of disturbance. The object of that bill was to supply a deficiency severely felt in Ireland in the civil power, and to introduce something like an effective police, instead of having recourse on every occasion to the cumbrous, though powerful instrument, of a standing army. The measure might probably, at first, seem liable to some objections, if applicable to this country, but the House were to balance between expedients; and if it were found less expensive and more effective than a large military force, he trusted the House would not prevent its being carried into operation. In introducing this measure to the House, he should not enter into a detail of the expense that would be saved by it. The employment of the soldiery, the charge of erecting barracks, and a great variety of other items, formed, however, a considerable aggregate of expense, under the existing system. The best disciplined soldiers, it should also be observed, if obliged to disperse themselves over the country, in small parties, as they were now compelled to do, in search of offenders, would very soon become lax and careless in the performance of their duty. He would leave entirely out of the question, the idea of men who had been employed in putting down the greatest military despotism that ever existed—who perhaps wore on their breasts the proud reward of their honourable services—being now placed in the humiliating situation of seizing private stills, and apprehending trifling offenders. In the year 1814, when he brought forward the measure which he now wished to amend, he proposed that the Lord-lieutenant in council should have the power of placing, in disturbed districts, magistrates specially appointed, and constables to assist them in preserving the peace. This measure met with the almost unanimous approbation of the House, and it was particularly approved of by the right hon. baronet opposite, (Sir J. Newport,) whom, although he had often differed from the Irish government in opinion, he had ever found desirous, when measures were proposed for the benefit of that country, of which he was a native, and to which he did honour, to give them every assistance in his power, instead of throwing obstacles in the way of their accomplishments. The act of 1814 had been carried into execution in six instances. In three instances, in the county of Tipperary, and once, respectively, in the counties of Louth, Clare, and Cavan. It was found to have a most beneficial effect. The lowest orders of the people applied to the magistrates to settle disputes between them and their employers, and the advantage was so great, that the farmers had frequently expressed their opinion, that the peace and tranquillity which reigned in those districts where the law was acted on, was cheaply purchased by the sum they paid to support the establishment. Under that act, the whole expense was to be defrayed by the disturbed districts. This provision was introduced because it gave those who lived in those districts a direct interest in preserving the peace. This mode of proceeding would operate very well in some parts of Ireland; but others were so poor and exhausted, that they were unable to bear the expense, and, therefore, it was found impossible to carry it into effect in those districts. In those places, where the land-owners did not reside—where, in consequence, insubordination was very general—there, although the greatest necessity existed for rendering the act operative, it could

not be done, because, in those districts, the least possible means of supporting the expense existed. There was a certain district in the county of Donnegal, where illicit distillation was carried on systematically—where the laws were openly violated—and they who broke them were defended by large bodies of men—to that district it had been found necessary to send a special magistrate, escorted by a party of 50 dragoons. It was to provide against the recurrence of cases of this kind—to render it unnecessary, as far as possible, to employ the military force—that he now asked for leave to amend the act of 1814; the alterations he meant to propose in which, would, he conceived, have the effect of creating a proper civil force. As the law at present stood, it was necessary on the appointment of a certain number of peace officers, to create a superintendent magistrate. If a neighbouring district became disturbed, and constables were appointed to protect the peace, they could not be directed by the magistrate who had already been created, and who was acting near the spot—it was necessary to appoint another superintendent magistrate for the newly-disturbed district. To prevent this accumulation of magistrates, he should propose, that different bodies of constables, belonging to different districts, should be allowed to act under the same magistrate. He should next propose, that the Lord-lieutenant and council should have the power of apportioning what part of the expense incurred by a disturbed district should be paid by the inhabitants, and what should come out of the public funds. He did not mean that the Lord-lieutenant and council should have authority to remit the whole expense; but, where great distress appeared to prevail, they ought, in his opinion, to have the power of removing such portion of it as circumstances might warrant. The last amendment would direct, that in all cases where the act was introduced, an account should be laid before parliament of the expense to be defrayed by the public, and also of the appointments made under it.—The right hon. gentleman then proceeded to combat such objections as, he thought, might be urged against the bill. If it were said, that it would be better not to pay constables to preserve the peace, but to leave it, as was the case in this country, to the population in general to exert themselves to keep the peace, he should answer, that such a system could not, at present, be effectual, and in that statement he would be borne out by every gentleman connected with Ireland; in which country the introduction of a police at all was comparatively modern—not, he believed, of more than thirty or forty years' standing. The expense might possibly be objected to. The House would recollect the discussion on the military establishment for Ireland, which took place last session. There was a tolerably unanimous impression at that time, that the force proposed was by no means too great. It was with great satisfaction he now stated, not only that it was not found necessary to extend to Ireland the Habeas Corpus Suspension Bill, or the bill for preventing seditious meetings, but that a very considerable reduction was proposed to be made in the military force employed there. The army in that country at present amounted to 25,000 men; these would be reduced to 22,000. There were now seven brigades of ordnance, which would be reduced from 400 to 200 guns. Thus a great expense would be removed, and, what was infinitely more important, a foundation would be laid for inspiring the people with an habitual obedience to the law, and, when that frame of mind was once introduced amongst them, government might dispense with the less constitutional mode of enforcing the law, which it was now so frequently necessary to resort to. The right hon. gentleman concluded by moving, "That leave be given to bring in a bill to amend the act 54 Geo. III., c. 131, to provide for the better execution of the laws in Ireland, by appointing superintending magistrates and additional constables in certain cases."

Leave was given.

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## ROMAN CATHOLIC QUESTION.

MAY 9, 1817.

The petition of the Roman Catholics of Ireland, presented on the 26th of April, 1816, having been read, on the motion of Mr. Grattan, that gentleman rose to move a resolution, for a committee to take the laws affecting the Roman Catholics into

consideration. He accordingly moved, at the close of a brief introductory speech, "That this House will resolve itself into a committee of the whole House, to take into its most serious consideration the state of the laws affecting his majesty's Roman Catholic subjects in Great Britain and Ireland; with a view to such a final and conciliatory adjustment as may be conducive to the peace and strength of the United Kingdom, to the stability of the Protestant establishment, and to the general satisfaction and concord of all classes of his majesty's subjects."

In the course of a long debate which ensued,

MR. PEEL rose and said :—

Sir; It is not without great reluctance that I rise to address the House. I cannot but perceive an indisposition to listen to those who concur in my view of this question; I may subject myself to the imputation of presumption by endeavouring to reply to my noble friend (Lord Castlereagh); and above all, I have the painful task imposed on me of avowing my total dissent from the opinions which he has delivered. But, Sir, I have a public duty to perform, and cannot be deterred by any considerations from performing it. It would tend to impede the freedom of discussion, and prevent the discovery of truth, if the arguments advanced by men of superior abilities were exempted, through the deference or apprehensions of others, from being fully and minutely canvassed.

I must, in the first place, call the attention of the House to the course of proceeding which has been adopted by the advocates of the Roman Catholic claims. Towards the close of the last session, on the 21st of May, we were called upon to give a pledge, that *early* (observe) in the present we would take into our serious consideration the laws affecting the Roman Catholics; and it is not until the 9th of May that we are invited to enter upon the discussion. We have at length entered upon it, and we are arrived at this stage of the debate without having heard, from the proposer or from the supporters of the resolution which has been moved, one single word with respect to the distinct nature of the proposal which is to be made in the committee, should the committee be granted.

The resolution proposed by the right hon. gentleman is that which was moved previously to the introduction of the bill of 1813. It proposes "that we shall take into our most serious consideration the state of the laws affecting his majesty's Roman Catholic subjects in Great Britain and Ireland, with a view to such a final and conciliatory adjustment as may be conducive to the peace and strength of the United Kingdom, to the stability of the Protestant establishment, and to the general satisfaction and concord of all classes of his majesty's subjects;" and I leave the House to judge from the speeches that they have heard from the supporters of this motion—above all, from the speech of my noble friend—what prospect there is that, from the adoption of this resolution, any *satisfactory* proceeding can result.

The House will bear in mind that it was in pursuance of this resolution that the bill of 1813 was introduced; that bill which gave satisfaction to no class of his majesty's subjects, but was most reprobated and rejected by that very class for whose benefit it was intended. By that bill every political privilege and capacity was conferred upon the Roman Catholics, with two exceptions; and certain restraints and conditions were imposed, with a view of securing the state and the Protestant establishment from any danger which might result either from the appointment of improper persons to be Roman Catholic bishops, or from an unfettered communication between the Roman Catholic church and the see of Rome. Sir, the Roman Catholic body of Ireland declared they could not accede to the terms on which it was thus proposed to grant them political privilege.—The Roman Catholic prelates resolved that they could not be parties to the ecclesiastical arrangements without incurring the guilt of schism, and the Roman Catholic laity declared that they would prefer their present state of exclusion, to the removal of that exclusion on the conditions proposed.

Now, I distinctly understand from my noble friend, that he thinks the same securities which were required by the bill of 1813 must be now demanded. My noble friend has shown that greater securities are taken by every state of Europe, and has proved, on the authority of the see of Rome, that it is not incompatible with the doctrines of the Roman Catholic church to admit an interference on the part of the Crown in the nomination of Catholic bishops, and to allow an examination of the correspondence between the see of Rome and the Roman Catholic church. But will the

Roman Catholics of Ireland admit of either one or the other? Will they consider that to be a final and *satisfactory* arrangement, of which securities which they reject with abhorrence form an essential and indispensable part? They cannot do it with any regard to truth or consistency—nor will they.

To the authority of my noble friend, who thinks they will, I oppose the authority of the Roman Catholic prelates, and the Roman Catholic body at large, who have spoken in terms as unequivocal as language can supply. You may enact these securities if you will—you may even compel obedience—but will this be in conformity with the resolution you have moved? and will this be the *satisfactory* and tranquillizing arrangement which you are desirous to conclude? My noble friend says, that it is absolutely indispensable, in his mind, that the security against improper communication with the see of Rome,—which is called technically the *Regium Exequatur*,—should be taken. He thinks, too, that the authority of the see of Rome should be procured before it can be taken satisfactorily. Now I will prove to him, from a document which he admits to be authentic, that this security, by this authority, he cannot have. I hold in my hand the letter from Cardinal Litta, the official organ of the see of Rome, to Doctor Poynter, of the 26th of April, 1815, from which I will read the following extract:—"As for the examination of rescripts to which I have alluded above, or what is called the *Regium Exequatur*, it cannot be even made a subject of negotiation; for your lordship well knows, that as such a practice must essentially affect the free exercise of that supremacy of the church, which has been given in trust by God, it would assuredly be criminal to permit or transfer it to any lay power; and indeed such a permission has never anywhere been granted." I ask, then, my noble friend, whether, with his views upon the subject of securities, he sees the prospect of an arrangement which will give satisfaction even to himself.

It is true that, in place of the securities required by the bill of 1813, we have a substitute proposed,—a new security, as we are told,—called domestic nomination. This professes to be an arrangement, which will exclude foreign influence in the appointment of the Roman Catholic prelates. Now I must observe, in the first place, that, in the bill of 1813, it was not against foreign influence merely that you attempted to guard. In that bill you declared that it was "fit and expedient" not merely that the Roman Catholic prelates should be exempt from foreign influence, but that "their loyalty and peaceable conduct should be ascertained to the satisfaction of his Majesty." This new security, therefore, which you proffer, not only falls far short of the security which, in 1813, you declared to be "fit and expedient," but it is not even of the same character.

But is it not extraordinary that this offer should be called the offer of something new, and above all, should be so called by the hon. baronet (Sir H. Parnell) who proposed it? The hon. baronet has scarcely ever made a speech on this subject without informing us that there is not at present any foreign interference whatever in the selection of the Roman Catholic prelates,—that their confirmation at Rome is a mere matter of form. He has told us, if I am not mistaken, that the pope has interfered only once in the direct nomination of a Roman Catholic prelate since the Revolution (1688),—and that we did not much benefit by the selection which his holiness on that solitary occasion was pleased to make. Now, I can understand the hon. baronet, if he will argue that, as there is no foreign influence, there is no necessity to guard against it; but I am utterly at a loss to comprehend him, when he, who denies that there exists any foreign interference, dwells with such satisfaction upon the value of an arrangement, which professes to exclude it, and thus obviate a danger which he does not believe to exist.

Now, Sir, I wish to know by what authority even this security is offered,—and I entreat the attention of the House to this point. This offer professes to be made by the Roman Catholic prelates. Not one word has yet been uttered from which we can infer that the see of Rome has sanctioned the offer; yet without the consent of the see of Rome, it cannot, I presume, be accomplished. I infer this from the resolutions of the Roman Catholic bishops on two occasions. In 1812 they resolved, "that as we are at present precluded from any intercourse with our supreme pastor, we feel ourselves utterly incompetent to propose or agree to any change in the long-established mode of appointing Irish Roman Catholic bishops."—And in 1813, when referring to the ecclesiastical arrangements contained in the bill of that year

they resolved that, "it would be impossible for us to assent to them, without incurring the guilt of schism—inasmuch as they might, if carried into effect, invade the spiritual jurisdiction of our supreme pastor, and alter an important point of our discipline; for which alteration his concurrence would, upon Catholic principles, be indispensably necessary." Now does domestic nomination, if it effects any thing, invade the spiritual jurisdiction of the see of Rome? and if the concurrence of the see of Rome is, on Catholic principles, indispensably necessary, why are we not informed whether that concurrence has been obtained or not?

After what passed on the subject of the Veto, it is right that there should be no misunderstanding on this point.—Remember that, in 1799, the Roman Catholic prelates resolved, that "such interference of government, as may enable it to be satisfied of the loyalty of the person appointed, is just, and ought to be agreed to." Remember that, in 1808, a right hon. gentleman (Mr. Ponsonby) thought himself authorized by Dr. Milner to accede to the Veto on the part of the Roman Catholic prelates of Ireland;—and now, notwithstanding the resolution of 1799 and the supposed authority of 1808, the Veto is denounced as utterly incompatible with the tenets of the Catholic church, and subversive of the religion itself. I ask not with whom this mistake originated—I stop not to criminate—I only notice the fact, to show that a serious misunderstanding has more than once arisen, and that we ought to guard against its recurrence.—I ask, then, whether the pope has sanctioned this offer of domestic nomination? I ask it with more earnestness, because I have seen a document published, apparently by authority, from which it does not seem clear that this sanction had been given. A correspondence has been published between Mr. Hayes, a Roman Catholic priest, deputed to Rome, and Cardinal Littà, in which Mr. Hayes puts to the cardinal the following question: "Whether that mode which (in order to remove every groundless fear of any possible abuse, by which the pontifical authority might interfere, which never will happen, in the civil concerns of the kingdom) is proposed to government by the Catholics, namely, that the clergy or bishops, or rather both jointly, should nominate the candidates, and which is therefore called domestic nomination, seems subject to meet with any difficulty on the part of the holy see?" To this the cardinal replies—"Finally, as to what is now annexed in your letter, touching what is called domestic nomination, I do not perfectly understand what this term is meant to signify. An explanation therefore seems requisite before any definite reply can be given." This correspondence took place so late as October, 1816. Whether the explanation has been given, and the definite reply received, I know not—but it is fit that some information upon the point should be afforded to the House, before it is called upon to accept of this domestic nomination as a full security for the present Protestant constitution.

I must now advert to the extraordinary speech of my right. hon. friend (Mr. Yorke). I listened to him with the firmest conviction of his sincerity, with the highest respect for his character, and with no small admiration at the singular project which it is his intention to launch forth upon that boundless sea, on which we are invited to embark. Let us see what prospect there is for him also of a *satisfactory* arrangement. If I understand him, he will, in the committee, propose a bill, containing provisions, regulating the election of Roman Catholic bishops, not merely providing for domestic nomination, but enacting the precise mode in which that nomination shall be effected. In order that foreign influence may be altogether excluded, he will place the popedom, so far as Ireland is concerned, in commission as it were, and a board composed of the four Roman Catholic archbishops is to possess that spiritual jurisdiction in Ireland which is at present exercised by the pope.—And this bill, when it shall have received the assent of the legislature, is to have its operation suspended until the acquiescence of the pope shall have been obtained. Of all the propositions that have ever been made, objectionable in principle or dangerous as precedents, this is the most objectionable and dangerous. What, Sir, will you make the operation of a solemn act of the King, Lords, and Commons, of this kingdom, contingent on the acquiescence of the pope? Will you, in the very act which professes to exclude forever the influence of the pope, recognise and establish that influence so far as to erect it into a fourth estate? Will you deal so harshly and unjustly by the Catholic as to admit by so solemn an act, the policy and justice of concession, and then withhold

it from him for ever; not for any fault of his, but because an aspiring and unreasonable pope shall refuse the terms which parliament proposes, and which the Irish Roman Catholics may be willing to accept?

I have, Sir, hitherto been addressing myself to those who are of opinion that it is practicable to accompany the proposed concessions with such securities as shall effectually guard the constitution of this country from danger. I must confess, however, that in their number I am not included. I have heard of no securities, nor can I devise any, which will allay the apprehensions I entertain. I will now state my own view of this question; and, as my noble friend has particularly applied his reasoning to the state of Ireland, and to the manner in which that country will be affected by the success of this motion, I will now follow his example, and confine myself within the limits which he has chosen.

The question which we have to determine, is this: Whether it be advisable to continue the present system of laws affecting the Roman Catholics, under which Ireland has been governed since the year 1793, or whether we shall substitute some new system in its place? It is not, whether we shall remove certain inconsistencies and anomalies which are pointed out in the existing laws; but whether we shall substitute, in the place of the present, almost a new form of government. The gentlemen opposite dwell upon these inconsistencies,—they tauntingly ask why a Roman Catholic may hold the commission of the peace in Ireland, and is not qualified to hold it in England?—why he may hold a certain rank in the army in Ireland, and yet must forfeit that rank on his arrival in England? But the remedy they propose is not to remove the inconsistencies they complain of—not to put the Roman Catholics of the two countries on an equal footing in these respects, but to confer on all the right of sitting in parliament, and every capacity for office and political power. When the clause of the bill of 1813, which admitted the Roman Catholics to parliament, was negatived in the committee, the bill was withdrawn altogether, and we were told that, divested of this clause, it was a measure of relief neither befitting the Protestant parliament to grant, nor the Catholic community to receive. I am warranted, therefore, in arguing, that we are now discussing the respective merits of two systems for the government of a great country.

Now I say, that it is impossible to decide on the merits of any such systems, without reference to the history, the state of society, and all the political and moral relations of the country, for which they are intended. When I hear that an equality of political privileges has existed in Hungary, or that the Roman Catholics in Canada have the same capacities with Protestants, I must first inquire whether the situation of Hungary, or the situation of a distant North American colony, corresponds with the situation of Ireland. My right hon. friend (Mr. Canning) informed us, that in a department of France, the department of the Gironde, the professors of the two religions were on the same footing, as to political privileges, that they lived in harmony together; and thence he draws this inference, that a similar participation of power in Ireland will produce the same harmony. But can I infer, that because, in a province of France, where the vast majority of the population are Roman Catholics—where the established religion is Roman Catholic—it has been there found practicable to admit all classes to equal privileges, that, therefore, as a matter of course, the same measures are advisable when applied to a great kingdom wherein the vast majority are Roman Catholics, and where the religion of that majority is not and must not be the religion of the state. I repeat, then, that I must consider the internal state and political relations of the country, for which I am about to legislate, before I can determine what is likely to be the result of legislation.

Let us, Sir, then consider the state of Ireland—let us recollect that Ireland is a country separated by nature from that to which she is united by law; a country having once had an independent existence—having within twenty years had an independent legislature,—having still her separate courts of justice, and distinct departments of executive government.

In that country there exist two religious establishments, two co-extensive hierarchies, the one sedulously affecting, the other legally possessing, the same dignities, titles, and spiritual authorities; the former superintending the religious concerns of the great majority of the people, not endowed, indeed, nor encouraged, by the state,

but exercising over the minds of its adherents, from the very nature of its doctrines and the solemnity of its ceremonies, an almost unbounded influence; the other, the church of the minority, splendidly endowed, no doubt, but endowed with the temporalities which once belonged to its excluded, but aspiring rival. Recollect under what circumstances the transfer of these temporalities took place,—recollect that in Ireland there was, in fact, no reformation; there was no conversion of the mass of the people from one religious creed to another; no conviction brought home to their minds of the errors or abuses of their ancient church; attempts were made to effect that conversion by other means, and they failed, and have left the natural consequences of such attempts, irritation and hostility. You assert that we have misruled Ireland, and you argue that we must adopt the policy you recommend because we have misruled her. Without discussing the truth of that assertion, I deny the force of that argument. We may regret this misrule, and its consequences, but what we have to determine is this, circumstanced as Ireland now is, by what course of policy shall we best promote the interests of the empire at large?

We find Ireland, then, circumstanced as I have described, united by an inviolable compact to Great Britain; and we find it an essential article of that compact, that the Protestant religion—the religion of the small minority (in point of number) shall be the established and favoured religion of the state. We cannot make a constitution *de novo*; it is needless to resolve what would be the best system of law under another state of circumstances. We must modify and adapt our theories to the conditions of that national compact which we cannot infringe; and to that state of national establishments, which no one proposes to alter.

Sir, with respect to Ireland, we might originally have pursued one or other of four lines of policy.

We might have proscribed the religion of the Roman Catholics, and reduced them, by the severity of penal statutes, to a state of degradation. This policy we have pursued, and, be the consequences what they may, I never can regret that it has been abandoned. To revert to this policy is impossible.

We might have pursued a totally different course, have established the Roman Catholic religion as the religion of the state in Ireland, and have given every political privilege to its adherents. The adoption of this course is precluded, not merely by that solemn settlement, the Act of Union, but by the unanimous sentiments of every member of every side of the House, which are pledged to preserve the Protestant as the established religion of the state, and to maintain an inseparable union of the church of England and of Ireland.

There remains two other systems possible to be adopted in Ireland, and between these we must make our choice. The one is that on which we are acting at present, the other that which we are called on to substitute in its place.

By the first we give every toleration to the faith of the majority, but maintain that of the minority as the religion of the state. We exclude the Roman Catholics from those offices which are immediately connected with the administration of, and may be said to constitute the government of the country—admitting them, generally, to all other offices, privileges, and distinctions.

It is proposed to replace this system by another, which shall equally profess to maintain the religion of the minority, as the established religion, but shall open to the Roman Catholics both Houses of parliament, and every office in Ireland, save the first executive office of the state—that of Lord-lieutenant.

Now, Sir, it will be my purpose to prove that the code of laws on which we are now acting is preferable to that which it is proposed to substitute in its room,—more likely to preserve, inviolate, the union between the two countries—more likely to provide for the stability of the Protestant church establishment in Ireland—and to ensure harmony between the Roman Catholic and Protestant inhabitants of the country.

In attempting to prove this, I will avoid, as far as possible, every topic which can tend to inflame or even to give offence. I will not revive the memory of ancient struggles for ascendancy, and if any advantage to my argument might be derived from dwelling on instances wherein power has been abused, or revengeful feelings have been indulged, that advantage I cheerfully resign. I will not impute to the Roman Catholic church any doctrines which are not avowed, and I will give to the



professors of that faith the full advantage of every disclaimer they have made. If the privileges required are to be conceded, I have no wish to lessen the grace of concession;—if the hopes of the Roman Catholics shall be disappointed, that disappointment I will not aggravate.

I will suppose the Roman Catholics of Ireland to have the same feelings—to be influenced by the same motives—to act on the same principles with other men, and I affirm that almost every objection which applies to that code of laws which you seek to abrogate, will apply, with equal force, to that code by which you propose to replace it;—that there will be greater anomalies and inconsistencies in the latter—and a moral certainty that the arrangement you seek to make will be less conclusive and satisfactory than that which you have made.

Let us examine the objections to the present laws. Do not suppose that I think they constitute—in the abstract, and without relation to the state of society for which they are intended—a perfect system, or that I rejoice in the exclusions and disabilities which they induce. I regret that they are necessary, but I firmly believe you cannot alter them, in any essential point, for the better.

It is objected, in the first place, that, as we have admitted the Roman Catholics to the elective franchise, and as we have thus placed substantial power in the hands of the democracy, it is absurd to withhold the higher privileges—office, and seats in parliament from the aristocracy. Now I must observe that objections of this kind show how cautious we should be in making further concessions. When the elective franchise was sought for, it was not then foreseen, at least it was not argued, that the capacity for political office must necessarily follow. [Mr. Ponsonby dissented.] Sir, Mr. Burke—that most anxious advocate of the Roman Catholic claims—did not so argue,—after observing that the constitution is not made for general proscription, he states that there is a clear distinction between a franchise and an office, and the capacity for one and the capacity for the other. He says that franchises belong to the subject, as a subject, and not as a member of the governing part of the state; and that the Test Acts, while they left the privilege of sitting and voting, excluded the Protestant dissenters from civil and military offices. He adds, that he does not mention this as approving the distinction, but as establishing the fact that such a distinction has been made by the legislature.

But, Sir, I see no inconsistency in admitting the Catholics to an influence in the state, which the possession of property usually confers—and in requiring at the same time that this influence should be exercised through a medium not hostile to the religion of the state. I see no inconsistency in permitting the Roman Catholics to choose the representatives and advocates of their interests,—but in taking at the same time, a security that those representatives, warmly as they may espouse their cause, shall have no religious bias in their own minds against a Protestant government in church and state.

Again, Sir, we are told that we cannot stop where we are: I answer that we are more likely to stop where we are, than we shall be if we advance to the point to which we are invited. We are told that the present system proceeds upon no principle: I answer, that the system which is proposed as a substitute contradicts the principle on which it professes to be founded.

You propose to open to the Catholics parliament, and to invest them with political power;—to make them capable of acting in the highest offices of the state, and of being the responsible advisers of the Crown. You tell us that the Roman Catholics of Ireland are advancing in wealth and education, and that, as you remove the disabilities under which they labour, their advance will be the more rapid, and they will become more influential in the state. Do you then mean, *bona fide*, to give them in Ireland the practical advantages of the eligibility you propose to confer upon them? Do you mean to give them that fair proportion of political power, to which their numbers, wealth, talents, and education, will entitle them?

If you do, can you believe that they will, or can, remain contented with the limits which you assign to them? Do you think that when they constitute, as they must do,—not this year, or the next, but in the natural, and therefore certain order of things,—by far the most powerful body in Ireland;—the body, most controlling, and directing the government of it;—do you think, I say, that they will view with satisfaction the state of your church, or of their own? Do you think that, if they are

constituted like other men, if they have organs, senses, affections, passions, like yourselves—if they are, as no doubt they are, sincere and zealous professors of that religious faith to which they belong—if they believe your “intrusive church” to have usurped the temporalities which it possesses;—do you think that they will not aspire to the re-establishment of their own church, in all its ancient splendour?—Is it not natural that they should?—If I argue even from my own feelings, if I place myself in their situation, I answer that it is natural! May I not then without throwing any calumnious imputation upon any Roman Catholic—without proclaiming (and grossly should I injure them if I did) such men as Lord Fingal, or Lord Gormanstown, to be disaffected and disloyal—may I not,—arguing from the motives by which man is actuated, from the feelings which nature inspires—may I not question the policy of admitting those who must have views hostile to the religious establishments of the state, to the capacity of legislating for the interests of those establishments, and the power of directing the government of which those establishments form so essential a part?

Sir, the history of Scotland is referred to as proving the policy of granting those privileges which we are now called on to grant, and though I reject it as affording any precedent at all analogous to the present case of Ireland, I cannot help feeling that it may be, at some future time, with great force, appealed to in favour of the establishment of the Roman Catholic religion in Ireland. What was the policy towards Scotland? After vain attempts to impose on the people a form of religious worship against which they revolted, you abandoned these attempts, and established, permanently and inviolably, the Presbyterian church, its doctrine, discipline, and government.—Scotland with her Presbyterian church, has been united to England with her Episcopal church: all jealousies are buried in oblivion, and the political union is complete. And shall we not hear, at no distant period, appeals to the case of Scotland, not to prove the policy of conferring mere civil privileges, but to show that the union of countries with different religious establishments may lead to the happiest results? “Carry then,” we should be told, “a principle sanctioned by reason and experience to its full accomplishment; establish every where the religion of the majority as the religion of the state, and unite in one consistent frame of government—Episcopalian England, Presbyterian Scotland, and Catholic Ireland!”

But not being yet prepared to go so far, we are for the present assured that the numbers of Roman Catholics who will be returned to parliament will be very limited. “True, there may be danger, but then it will not be very great!—You will not have more than ten Roman Catholics in the House of Commons—and ten Roman Catholics cannot overturn your establishment!”—And are these the clumsy securities which are offered to us? These—so little in unison with the spirit of that constitution which we profess to maintain, but which in truth we are about to abandon? If the Roman Catholics entertain no principles and no views hostile to the establishments of the state, admit them to privilege without reference to the number to be admitted: if they entertain such, exclude them, not because their numbers will be limited, but fairly and openly, because you cannot confide in them.

We are told again that the Roman Catholics will only be qualified for office,—that they will only have eligibility,—and that the Crown may still, if it think fit, continue the exclusion.—Sir, if the parliament confer eligibility on the Roman Catholics, the Crown ought not to exclude them from a just proportion of power:—the exclusion will be ten times more mortifying than their present disqualification;—it will be so, because it will be attributed to caprice—to unjust preference—to unfair suspicion. If it be unsafe to admit the Roman Catholics to a share in the government proportionate to their numbers and influence in the state, all the branches of the legislature ought to share in the odium of disqualifying them; it ought not to be transferred to one branch exclusively—to that branch too which is to continue unchangeably Protestant; to that branch which will be the more liable on that very account to the suspicion of prejudice and partiality, instead of being, as the constitution intends it to be, the fountain of all grace and favour.

But we are told that these concessions are to tranquillize Ireland: we are told that the mass of the people are in a state of irritation, and that nothing but Catholic emancipation can allay it: but we are not told what this emancipation is to effect with respect to the mass of the people! Do you confer any direct and immediate

benefit upon the lower orders? You argue, indeed, that the ultimate effects of emancipation will be to ameliorate their condition, to raise up new classes in society, and to unite the lower and upper orders by gradations which are now wanting. Will the peasant understand this? Will he feel any immediate benefit? Will he receive any practical proof that his condition is improved? Will he be less subject to the influence of that most powerful body, the Roman Catholic clergy? And reflect how that body is affected by what you call Catholic emancipation. You confer certain privileges—substantial benefits perhaps—on the aristocracy and the bar; but you confer none on the clergy; you do not even leave them as you find them; you concede to the laity, but you accompany these concessions with regulations and restrictions, bearing exclusively on the clergy: on that body whose influence is all powerful, and who, of all classes, must naturally view your establishments with the greatest jealousy and hostility. And then, the connexion between the mass of the people and the clergy remaining the same,—the people receiving no immediate advantage, nor prospective advantage which they can comprehend, and the clergy being subjected to restrictions against which they vehemently protest,—can we flatter ourselves that the predictions of tranquillity and concord are likely to be verified?

I am aware that in my argument, I have been assuming that the measure which is to be proposed, in the event of our going into the committee, will resemble the measure which was proposed in the year 1813. I am at liberty to assume it, at least from the speech of my noble friend, if not from the silence, with respect to any different measure, of those who preceded him: I cannot forget, too, that very able men were employed in framing the bill of 1813, and that it was the subject of the gravest deliberation; I cannot therefore presume that any better or more palatable measure will be now offered for our adoption. As new securities, however, are talked of, let us put aside all the provisions of the bill of 1813, which regard securities, and refer to those only by which privilege and capacity were conferred. With all due respect for the authors of this bill, I must declare that it appears to me more replete with absurdities and inconsistencies than the laws which are now in force; and I consider it a most useful and instructive document, to prove how difficult it is for the ablest men to improve the constitution, and how cautious we should be in attempting to innovate on so sacred a subject.

Let us examine a little into the manner in which this bill was framed. The preamble of it recites that the Protestant episcopal church of England and Ireland is established permanently and inviolably: it then admits that that Protestant episcopal church forms an essential part of our free constitution, and prays that certain provisions may be made with a view to put an end to all religious jealousies between his majesty's subjects, and to bind them in all times to come by the same privileges and (observe) by the same interests in defence of their common government. The same interests!—you confirm the Protestant establishment as an essential part of the government, and then assume that the Protestant and the Roman Catholic will have the same interests in maintaining that government! You may declaim as you will, and make what preambles you please, but the force of nature and the spirit of religion are opposed to you: they contradict your preambles, and confute your declamation.

The bill then proceeds to admit the Roman Catholic to parliament, and how does it provide for his admission? It leaves the oaths which are to be taken by the Protestant member the same as it found them. He is still to advance to the table, and to take oaths, disclaiming, as pernicious and damnable, doctrines which are imputed by implication to his Roman Catholic colleague; and he is not merely to disavow these political doctrines, but he is to abjure certain spiritual tenets of the Catholic faith as superstitious and idolatrous. Having heard the insulting disclaimer of the Protestant, the Roman Catholic member will then advance, and an oath is to be administered to him, which (as has been well said) looks more like a bill of indictment against him than an oath which is to qualify him for the exercise of the highest privileges and most sacred duties. He is required to renounce as unchristian and impious the worst principles and doctrines that his most bigoted enemies in any age have imputed to him. Why do you call upon him to renounce such doctrines? Do you suspect that he entertains them? If you do, you should disqualify him, not from being a member of parliament, but from being a member of society: if you do

not, why do you humiliate him by requiring a disclaimer? Oh, but he must disclaim them, however unjustly imputed to him, to satisfy the scruples and the prejudices of Protestants.—And is this your final and satisfactory arrangement?—Is this your plan for burying in oblivion religious animosities, and binding the Protestant and the Catholic by an identity of privileges and interests?

Then comes the clause admitting the Roman Catholic to office, quickly followed by the proviso, that from the first political office in Ireland—from the first legal office in England—the Catholic must still remain excluded; you differ then only with us in degree. You tell us that we have conferred substantial power on the Catholic, but subject him to mere mortifying exclusions, that serve but to irritate and annoy him;—that we have broken the chain which bound him, but still reserve some useless links of that chain to remind him of his former servitude. But you yourselves retain some of these links, fewer indeed in number, but just as offensive as a memento of degradation, and as a proof that the equality of privilege and the identity of interest are not established. And when you dwell, and with justice, upon the rank, and the station, and the character, of Lord Fingal, let me ask you how, consistently with your principle, can you close against him for ever the first executive office of his native land, the only one, perhaps, to which he could aspire? He may represent his sovereign in Jamaica or in Canada,—he may exercise in distant colonies all the functions of sovereignty in church and state,—but in Ireland he cannot represent him: in Ireland, the source from which grace, and mercy, and favour flow, is still to continue Protestant, exclusively and for ever!

But, though you must have a Protestant Lord-lieutenant, you may have a Roman Catholic secretary: his friend, his adviser, his representative in parliament, may be a Roman Catholic. Sir, those who know any thing of the relation in which these two offices stand, must know how desirable it is, even on public grounds, that something more than mere cold official confidence, something partaking of personal esteem and mutual attachment, should subsist between those who fill them:—and if you will look through this bill you will discover, that, if this faithful servant and friend of the Lord-lieutenant shall presume, in some hour of careless confidence, to advise him in the appointment of any ecclesiastical, nay even any lay office or preferment in the Protestant church of Ireland, the secretary shall—(observe the cautious provisions against danger)—he shall, being convicted by due course of law, be deemed guilty of a high misdemeanour, and disqualified for ever from public service! And this is the bill which is to remove anomalies, to establish some perfect system of government, some final and satisfactory arrangement, to bury in oblivion, in all times to come, religious animosities!

Then, again, the Crown is to remain Protestant, but the adviser of the Crown may be Roman Catholic. You confirm in the bill the exclusion of the Roman Catholic from the Crown,—from that branch of the legislature from which he was most recently excluded by law,—from that high office from which he is excluded, not by the indirect operation of an oath, as is the case in other offices, but distinctly because he is a Roman Catholic. The irresponsible head of the executive government must be Protestant, but his responsible minister, his secretary of state, may be a Roman Catholic. You expose the successor to the Crown to be educated under the guidance of Roman Catholic ministers; and if he, from sincere conviction, shall conform to the religion of those whom you have given to him as confidential and responsible advisers, you subject him for ever to the forfeiture of his inheritance. In all this I can see nothing that can lead to harmony,—nothing that can constitute a final and satisfactory settlement,—nothing but a wild and irreconcilable contradiction of principles.

Sir, I will now conclude. I am grateful to the House for the attention with which they have heard me. Let me entreat them to pause before they take the first step towards a radical alteration in the constitution of their country, and to reflect how difficult it is to predict the consequences of much less important alterations.

It is observed, Sir, by Mr. Hume, when speaking of the reigns of James the first and his successor, that religious spirit, when it mingles with the spirit of faction, contains in it something supernatural; and that, in its operations upon society, effects correspond less to their known causes than in any other circumstance of government. And this, says he, while it constitutes some apology for those who, having inter-

fered in religious matters. are disappointed of the expected event, imposes at the same time a grievous responsibility on all who lightly innovate in so delicate an article.

This reflection, says he, is confirmed by all history :—and may it be a warning to us how we proceed to unsettle that which we find established ! Let us recollect, that, under the constitution which we have derived from our ancestors, we have enjoyed more liberty, we have acquired more glory, we possess more character and power, than has hitherto fallen to the lot of any other country on the globe ; and if there be any man yet undecided on this question, I entreat him that he will give the benefit of his doubt to the existing order of things,—and that, before he gives his vote to a measure, of the consequences of which he is at least uncertain, he will weigh the substantial blessings which he knows to have been derived from the government that *is*, against all the speculative advantages which he is promised from the government that *is to be*.

At the close of the debate. Mr. Grattan's motion was negatived, on a division, by 245 against 221 ; majority 24.

### FORFEITED RECOGNIZANCES IN IRELAND.

MAY 13, 1817.

MR. PEEL rose to make his promised motion relative to the shameful neglect that at present prevailed in enforcing the payment of fines incurred by persons in Ireland, in consequence of the Forfeiture of their Recognizances in criminal cases. The present system of estreating or enforcing such fines, had been settled by the act of 1798 of the Irish parliament—a period peculiarly unfavourable to legislative accuracy or precision. By this act, the estreats of all fines were ordered to be certified to that officer in the exchequer, denominated the comptroller of fines and estreats, who made a return thereof to the directors of green wax process. These parties were empowered by the said act to direct warrants to be issued to the collectors of baronial assessments, empowering them to levy these fines, to assist and thereby lighten these assessments. It was perfectly clear to the House, that unless persons giving their recognizance to appear and prosecute criminal offences were, in the event of their non-appearance, punished by estreating their recognizances thus forfeited, there must be an end put to any expectation that justice in criminal matters would be done in any part of Ireland. The fact was, that nothing was more common than informations against individuals to-day, which, through partiality, interest, or the more flagitious means of bribing, were abandoned to-morrow. The sum total of these estreats during the last seven years amounted to £200,000, of which not a third part had been levied ; and of such as had been levied, the amount, instead of being applied to ease and aid the baronial assessments, had been pocketed by the constables, whose duty it now was to collect them, and appropriate one-third to themselves for the trouble of their collection. At the assizes for one town he had been informed that of £900 estreatable fines, which might and ought to have been collected, only £300 was levied, all of which had gone into the constable's pocket. The mode these gentlemen adopted was ingenious and rather original. Supposing that of this £900 he levied £300 in the first instance, he drew the £100 to which he was by law entitled, and then drew the remaining £200 as his poundage upon the £600 still remaining estreatable, although not collected. Thus, in the seven years in which the comptroller of the pipe in Ireland, should have received 500 returns upon estreats, not more than twenty or thirty had been received ; all of which were, in consequence of the above practices, merely useless forms. In the king's county alone, in the course of the seven years, although estreats accrued to the amount of £7,500, no attempt had been made to levy any one recognizance. Here, then, the whole law of forfeited recognizances had been rendered a dead letter. At the assizes for Birr, 111 indictments were found, and not more than 20 came to trial. The consequence was, the introduction of a system of perjury and fraud, disgraceful and prejudicial to the administration of justice in the country. The practice was detrimental to the morals of the subject, in particular with respect to a

practice resorted to, to evade the possible enforcement of these estreats. The party thus forfeiting their recognizance came into court at one assizes, and made oath they would take up or fulfil their recognizance, and at the next assizes came into court and swore that they were in a state of insolvency, and could not make good the fine. They were by this summary mode discharged, and all hope of levying the fine vanished.—His intention was, to take the power of enforcing these fines out of the hands of the constable, and put it into the sheriff's, as was the practice in this country, providing, at the same time, a suitable indemnification to the sheriff. It was his intention also to bring in shortly another bill, regulating the office of sheriff in Ireland, which hitherto had been exposed to great inconvenience, in consequence of the sheriff of the present year being liable to be proceeded against for the acts of his predecessor, and the sheriff having no proper mode of obtaining redress against, or controlling the sub-sheriff. These disabilities and inconveniences of the present system, it should be his study to remove by the provisions of the act proposed.

Leave was given to bring in the bill.

## THE ARMY IN IRELAND.

MAY 13, 1817.

The report of the Committee of Supply, to which the Army Estimates had been referred, having been brought up, and the first resolution having been read, Mr. J. P. Grant moved, as an amendment, the substitution of the word "September" in the place of "December."

In the debate which followed, upon this motion, Mr. Calcraft moved another amendment, the object of which was to make a reduction of the proposed military force in Ireland, to the extent of 10,000 men.

Several other hon. members having spoken,—

MR. PEEL said, he had stated last year that 25,000 men would be necessary for Ireland. He thought the same necessity for the same force existed this year; and he had not heard one opinion against this position, or saying the estimate was too high. His attention had been turned to the subject of effecting every reduction; and he could assure the House, that he should find it more difficult to state why he recommended a reduction of 3000, than why he still thought that 22,000 men should be maintained. He protested against the practice of taking the year 1792 as a criterion for establishments of every other period of peace. If he required so many troops to aid the police, or to preserve the peace of the country, it would be no answer to him that there were just so many and no more twenty-five years ago, and that they were then sufficient. The force in Ireland did not much exceed, in proportion to the force in England, its amount in 1792. After the peace of Amiens, the army in that country was 22,000 men, employed only in preserving tranquillity. For seven years after that period, including the years 1806 and 1807, it did not amount to less than 31,000 men, exclusive of the militia. He knew that this was a time of war; but the military power was in a great degree applied to the maintenance of the public peace. In the last year but one, the entire number of troops in Ireland was 40,000; it was now proposed to keep up only 22,000, making a reduction of nearly one-half in less than two years. An hon. gentleman had declared, that he would not vote for one man, the necessity of whose services was not distinctly proved; but a proof of this kind was not practicable: it was not a question of science or mathematics, nor capable of a positive demonstration. He could, however, afford him the advantage of the highest military authority, which was in favour of a larger force than that now proposed to be maintained. The noble lord who had so heavily censured his majesty's government, on the ground of these estimates, might be assured that at every period of the last century a considerable force had been deemed necessary in Ireland. He had traced its amount from the commencement of that period, and had found that, except during the American war, when it was reduced by the supplies to our army abroad, it had never been so low as in the year 1792. In 1716 it was 11,000 men, and remained at this number till the year 1747. In the year 1764, the Irish House of Commons voted an address, expressing their jealousy of the

large reductions which had taken place; and a message was sent down by Lord Townsend, which contained a promise, that the army should be maintained at the amount of 12,000 men in future, to which an addition of 3000 men was subsequently made; and so the establishment continued till the year 1792.—With respect to the argument, that if the Catholic question were carried, farther reductions might be safe and practicable, he could not assent to any such opinion. It was not true that this force was required for the purpose of keeping the Catholics of Ireland in subjection. It was necessary for the protection of the Catholics themselves, for the preservation of tranquillity, for the maintenance of public justice, and the defence of the lives of many persons who had become objects of vengeance, only by appearing as witnesses against criminals. He had heard it contended, that this state of things was the consequence of ages of mis-government; but he would ask, whether any recent change of policy would have justified an immediate alteration in the proposed vote? It would be his duty, very shortly, to submit a measure to the House, that would afford him the opportunity of stating on what grounds he was prepared to argue that it could have produced no such effect. The measure in contemplation would have reference to a transaction which lately occurred in the county of Down; and its object would be, not the dragooning the people, but the security of innocent and brave men against the most flagitious combinations. Let the House imagine the case of a man, whose house had been attacked only because he appealed to the laws of his country; that he had made a gallant defence, and succeeded in repelling the aggressors. Let them suppose him to decline abandoning his residence, and having obtained arms, relying on his own courage and the assistance of a relative, in the event of a recurrence of the danger; but these precautions they would have to learn were vain; that a Roman Catholic combination, of about forty, invaded his dwelling, surrounded it with combustibles, and doomed him, his son, and six inmates, to death in the flames. This, he admitted, was the most atrocious of the crimes he had yet heard of, but it was one the recollection of which must fill every heart with horror. Whilst he thus endeavoured to show the necessity of a large military force, he never meant to contend that military force alone was the proper means of governing that country. Penal laws, likewise, might check, but could not eradicate the evil. He should ever be willing to lend his aid in revising and improving the system of the administration. It must be obvious that he could have no interest in swelling the amount of the estimates, for the civil government of Ireland had no share of the military patronage. Let the House look at the present staff, and they would find it much less than when the force was of twice the amount. He might be taunted with the suggestion that this had little to do with the immediate question; but it at least showed that the imputation which had been thrown out against his majesty's government, of being anxious on all occasions to extend the influence of the Crown, was unjust; and he only referred to it as a strong proof that they had, on the contrary, done all in their power to reduce every part of the estimates.

Later in the evening, Mr. Grant withdrew his amendment; and, on a division, Mr. Calcraft's amendment was negatived by 144 against 56; majority, 88.

## APPOINTMENT OF SHERIFFS IN IRELAND.

MAY 14, 1817.

In a debate which arose on the Irish Grand Jury Presentments Bill,—

MR. PEEL said he felt it necessary, as he had given a pledge to the House last session, that steps should be taken as to the appointment of sheriffs, to explain what had actually been done. On his return to Ireland, he had communicated with the Lord Chancellor on the subject, and directions had been given that the judges on the assizes should return three fit persons to serve the office of sheriff, from each county. This had been done, and in almost every case the first on the list had been appointed. In no instance had any party considerations biased the choice—for instance, in the county which the gallant general (Mathew) represented, three persons had been returned by the judges. He (Mr. P.) wrote to the first on the list to say, that the Lord-lieutenant intended to appoint him sheriff. He declined—to the second

and third. Far from consulting any party interest, a letter was written to the first on the list, that the writ would be made out for him, and he was obliged to serve. The returns of the names of the three persons had sometimes been made by the outgoing sheriff, but that was not always the case. Though thus much had been done, so convinced was he of the necessity of putting the system on an unobjectionable footing, that he had written to the Lord Chancellor of Ireland, as to the expediency of advising the Lord-lieutenant to instruct the judges to return persons recommended by the grand panel of the counties. The reform in their appointments would, he was convinced, confer an important benefit on Ireland.

### IRISH INSURRECTION ACT.

MAY 21, 1817.

MR. PEEL moved for, and obtained leave to bring in a bill to continue for one year the Insurrection Act in Ireland. This act was familiar to the House, and though passed as a general measure, was only intended for limited operation. It was unnecessary to discuss its general character, and all that he felt required from him was, to state that there were some districts in that country where the enforcement of the measure was demanded, by that protection which the state owed to the lives and property of the subject. He asked for the continuance of this confessedly rigorous measure, with the confident conviction of its having never, during the past time, been abused by the Irish government. He had in the last session given an historical account of the proceedings under that act. During the last year no application of it was made, and indeed, whenever applied, it was after the most mature consideration of all the circumstances. In this year, in the county of Louth, in consequence of a very atrocious outrage, and the manifestation of a general spirit of insubordination, the government acceded to the unanimous memorial of the magistracy calling for its enforcement. He concluded with saying, that he felt it his duty, at the moment when he called for the enactment of such a measure of rigour, though no description could give an adequate impression of the distress of many districts in Ireland, to bear testimony to the general spirit of subordination and good order that prevailed where that distress was most deeply experienced.

Leave granted.

### LINEN MANUFACTURE IN IRELAND.

MAY 22, 1817.

In a debate on Mr. Finlay's motion for the production of certain papers relating to the Transit Duties upon Linen,

MR. PEEL intimated his intention of moving for another production from the board of linen trade of Ireland. He laid claim, on the part of that country, to all that favour which could belong to, or be deserved by local interests. If ever local interests were binding upon a legislature, the engagements under which the English parliament had come to the Irish were obligatory and imperative. Manufactures might safely be left to the calculation of their own profits; but it was an object of national policy to decide between their contending claims. That this was a fair subject for political consideration was manifest, from the total and separate amount of the different exports from Ireland during the last year. The total amount of these exports was £6,400,000, of which the one-half was of linen manufactures; whilst that of her raw commodities did not exceed £1,500,000. The House also was bound to recollect the origin of the linen trade in Ireland in the year 1696, and by what means that country was induced to sacrifice to it her woollen manufactures. This was done in conformity with the earnest wishes and solemn engagements of the English government at that period. [Here the right. hon. gentleman read the addresses of the two Houses, and the answers from the throne relative to this subject.] That the success of this manufacture was still progressive would appear from a statement



of the accounts for the last five years, which amounted successively to £2,310,000, £2,519,000, £2,864,000, £2,882,000, and, notwithstanding the last year of extraordinary difficulty and embarrassment, to upwards of £3,000,000. He had good reason to believe that the manufacture was still extending itself; and was the more convinced from the present circumstances of the flax trade, that the present was a most unfortunate period for commencing any experiments upon it.

### IRISH INSURRECTION ACT.

MAY 23, 1817.

On the motion for the second reading of the Insurrection Bill, Sir S. Romilly having objected to the further progress of the measure, under the existing circumstances of the country, —

MR. PEEL said, that he had not gone into the details of the measure when he brought in the present bill, because it had been so recently discussed that he thought he should not have been justified in again trespassing on the time of the House. But had he been aware that such a description of it would have been given by the hon. and learned gentleman, he should certainly have been anxious to guard against misrepresentation, by entering into it himself. The hon. and learned gentleman had stated its most rigorous provisions, but had concealed those which went to mitigate the more severe parts of the law. He had not stated, that the transportations which could take place under it to the colonies were limited to seven years. Though this might take place without a trial by jury, on a conviction before the magistrates, yet by the act the Lord-lieutenant was required to provide a king's serjeant or counsel to attend on such occasions, and if this person differed from the magistrates, the case of the accused was then brought under the consideration of the executive government, who decided on its merits; and thus it would be seen, that every precaution was taken to guard against abuse. The measure was only to be enforced in particular cases, at the discretion of the government, on an application made to them by the magistrates. He had moved for papers, to show under what circumstances it had been resorted to in the case of the county of Louth. It had only been applied to that county when the state of it was such, that trial by jury had lost its proper character, and instead of a blessing, had become a curse. It was necessary to dispense with it, when those who came forward as witnesses or as prosecutors, could no longer be protected. What would the family of Lynch say, who had suffered so severely on this subject, when told that trial by jury was sufficient to meet every evil? In the instance referred to, the man who had fallen a martyr to the cause had been robbed of arms. He had prosecuted the robbers, and for this he, his son-in-law, and his whole family, had been doomed to death. What was said in praise of trial by jury might tell very well, but what would be its effect upon that unfortunate family, when urged against the law now under consideration? The measure had not been put in force in the county of Louth, till 30 out of 31 magistrates had applied for it, and declared it to be necessary in the then state of the county. In the whole course of the year 1816, the government had resisted all the applications made to put the law in force. This showed they were not disposed to have recourse to it on every trifling occasion.

### IRISH INSURRECTION ACT.

JUNE 13, 1817.

On the order of the day for going into a committee on the Irish Insurrection Act Continuance Bill, Sir H. Parnell moved, that the bill should be referred to a committee, this day se'nnight, instead of this evening, for the purpose of having an opportunity of moving for the appointment of a select committee, to inquire whether there existed any necessity for the measure. Sir S. Romilly having spoken in favour of the motion, —

MR. PERL said, that the hon. and learned gentleman had argued as if he (Mr. P.) claimed the powers of the insurrection act on the sole ground that those powers, when formerly granted, had not been abused. Now, he had not relied on this reasoning. He had merely said, that if the authority conferred on the government of Ireland had been abused, it would have been a strong reason for refusing a continuance of it; but he had never asked the grant of large discretionary powers on the sole ground, that when formerly given they had been exercised with prudence, lenity, and moderation. He particularly disclaimed at the time any such plea, and rested the measure entirely on the necessity of the case. The hon. and learned gentleman was likewise mistaken when he said, that he had referred to the state of the county of Louth alone as the only justification of the measure he recommended. He had not used any such argument, as would be evident when it was recollected that he had mentioned the existence of the insurrection act in two other counties,—Tipperary, and Limerick. He had then said, that if the act were allowed to expire at the end of this session, these two counties would be deprived of the benefit of its protection, as well as the county to which it had lately been extended. He was led to attend to the county of Louth more particularly, and to describe its situation, because the disturbances which called for its exercise there were more recently laid before the House; and the atrocities with which they were accompanied, had made the deepest impression on the country, and were more fresh in the recollection of gentlemen. His argument was, that though the country was generally tranquil, yet if there were one part of it so disturbed that the laws could not be executed in their usual course, it was necessary to arm the government with this act, to be exercised on its responsibility, when the emergency arose. The motion of the hon. baronet appeared to him to be very extraordinary. He did not oppose the passing of the act, but he proposed that the bill should be suspended till further inquiry was made, and with this object he would move for a committee. He (Mr. P.) denied that there was any reason for the appointment of such a committee. If there was a measure brought before parliament, on which parliament was competent to decide, without the delay of a committee of inquiry, it was the present. He could conceive cases in which a special inquiry by a committee should take place before parliament proceeded to legislate, such as when evidence was to be examined and facts collected; but here there was no necessity for farther information, if the statements laid before the House were at all to be credited. He had himself produced facts notorious to every Irish member, and known to the whole empire. He had thus laid sufficient grounds for the measure he had introduced. He had no motive for withholding information, and accordingly had given all that he knew. He called for powers which he thought necessary, and he produced evidence of that necessity. Did the hon. baronet doubt the truth of those facts, or was his committee to be appointed to inquire into the authenticity of the documents in which they were contained? There never came before parliament a case in which government had more clearly offered the grounds on which it called for permission to act on its responsibility, and on which the House had received better means of judging whether that permission ought to be granted. The hon. and learned gentleman had claimed the privilege of judging on the question, and he was much obliged to him for the interest which he took in the measure; but he was sure that he would allow the honesty of opinions of the members who had better means of judging than himself. He (Mr. P.) could not but refer here to the discussion which took place on a former night, in which many members stated their opinions on this measure, and pleaded, though reluctantly, its justification. A right hon. baronet (Sir J. Newport) allowed its necessity, though he recommended previous and more extensive examination. The declarations of other honourable gentlemen were to the same effect, with the same qualification. Against this general concurrence of opinion, there were only three members from Ireland that opposed it—the member for Queen's county (Sir H. Parnell,) the member for Tipperary (General Mathew,) and the member for Colchester (Sir W. Burroughs.) The two last could not be supposed to be so well acquainted with the country, as, from professional avocations in the case of the hon. and learned baronet, and from other causes of absence in the gallant general, they had not resided in Ireland much of late. The hon. baronet had said, that the insurrection act was an evil, and he (Mr. P.) was disposed to allow it in its fullest extent; but, unhappily, now there was only a choice of evils;

and he asked, whether it were better to extend to government the means of preserving tranquillity, even by a severe measure, or to allow the country to be converted into a scene of confusion by withholding the present act? He denied that the measure had been inefficient; and produced facts to substantiate his statement. In one county, in the course of three months, ten innocent persons were devoted to assassination, and 13 houses were plundered. In the three months after this act was passed, only one transportation took place, although there were eight convictions. In the county of Westmeath, an atrocious murder was committed on a witness merely for giving evidence. The magistrates applied for the Insurrection act, which was granted in November 1815, and withdrawn in April 1816; the county was tranquillized, and only four transportations took place. In the King's county, where the same act was applied for on the same necessity, only one person was transported in the course of four months. In the liberties of Limerick the act was enforced in October 1815, and withdrawn in April 1816, and only one person was transported. He defended the conduct of the magistrates in applying for it, and contended that the promptitude with which they called for its being withdrawn, showed that they were convinced of its necessity.

Sir H. Parnell's motion having been negatived, the House went into a committee on the bill; in which Sir W. Burroughs proposed to limit the duration of the bill to six weeks after the meeting of the next session of parliament. The proposition was negatived, and the duration of the bill was fixed at one year.

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### IRISH GRAND JURY PRESENTMENTS BILL.

JUNE 30, 1817.

In a debate on the report of the committee on this bill,—

MR. PEEL said, he thought it would be infinitely better to reject the measure altogether, than to hold out delusive hopes to Ireland by the formal adjournment of its consideration to another session. The House must be fully prepared to decide upon the merits of this question. Why, then, postpone the decision? The objections of his right hon. friend to the powers which this bill proposed to confer upon the nobility and clergy of Ireland were, in his opinion, quite untenable. For what could be more reasonable than that clergymen, being magistrates and having property, should, as well as the Irish nobility, who had so large a stake in the country, have a right to interpose upon the subject of presentments for public works? As to his right hon. friend's suggestion, that the consideration of presentments should rather take place at the summer than at the spring assizes, he had no objection to accede to it; because a greater proportion of the Irish landlords were likely to be present at the one assizes than at the other. With respect to the objection that the bill went to transfer the whole province of the grand juries to the magistracy, no other power would be given to the magistrates than that of previous inquiry. They were to possess no negative upon any presentment, but merely to accompany it with their opinion, upon which the grand jury would act according to its judgment. He should cordially support the bill, because he was convinced it would do much good; rather than postpone the measure, he should prefer seeing it rejected altogether.

It was at length agreed to re-commit the bill, in order to have certain alterations made in it, to which no opposition had been made.

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### IRISH GRAND JURIES PRESENTMENT ACT SUSPENSION BILL.

JANUARY 29, 1818.

Mr. Vesey Fitzgerald having moved for leave to bring in a bill, to suspend the operation of the Irish Grand Jury Presentment Act, which had been passed in the last Session.—

MR. PEEL vindicated the conduct of the Irish government, who were decidedly anxious for the principle of this measure; but to render that measure effective, 32

fully competent surveyors were necessary. In order, then, to ascertain the competency of the candidates for this office, three respectable commissioners were appointed, and the result of their examination was most discouraging; therefore it was found necessary to suspend the measure, and he hoped that the disposition of government could hardly be questioned, when it was recollected, that in abandoning the measure, it abandoned the patronage of appointing thirty-two officers, some with £300 and many with £600 a year each.

Leave was given to bring in the bill; and it was read a third time on the 3rd of February.

## COTTON FACTORIES BILL.

FEBRUARY 19, 1818.

SIR ROBERT PERL having moved, "That leave be given to bring in a bill to amend and extend an act made in the 42d year of his present majesty, for the preservation of the health and morals of Apprentices and others employed in cotton and other mills, and cotton and other factories,"—

MR. PERL took an opportunity to observe, that the bill now proposed to be brought in, was introduced in 1815: it was then withdrawn, as it was contended that there was not sufficient evidence on the subject before the House. In 1816, a committee sat for the purpose of investigation. A bill was not introduced last year, from the indisposition of the mover; but that was no reason why one should not be introduced now. It was no argument against such a bill that some factories were well regulated. If some factories were well regulated at present, that was a reason for the House adopting the regulations on which those factories were conducted. With respect to the instance of misconduct in Lancashire, which had been alluded to, it was proved that children were employed there fifteen hours a day, and after any stoppage, from five in the morning till ten in the evening—seventeen hours, and this often for three weeks at a time. On the Sunday they were employed from six in the morning till twelve, in cleaning the machinery. The medical men examined by the committee were some of them related to manufacturers, and well acquainted with factories. It was on evidence, that children had even been employed at an age as early as five, and some were employed under the age of seven. Could any person say, that a child of seven years of age ought to be employed fourteen hours? Was it necessary to have the evidence of medical men to prove, that to employ a child of seven years of age was unfavourable to health? At the same time, he allowed that the subject was not without difficulty. A sort of personal reflection had been thrown out against an individual with whom he was nearly connected. An hon. gentleman had observed, that the individual in question had not introduced the bill till after he had acquired his wealth, and abandoned the trade. So far the hon. gentleman was perfectly correct in his facts. The hon. gentleman had stated, that the magistrates had complained of the manner in which the establishment with which the individual in question was concerned, was conducted; but he had stated this without qualification as to the time of such complaints. This referred to a period so far back as 1784, and again in 1796; and it was in consequence of these complaints that the bill of 1802 was introduced. A great change had taken place in the manner of conducting that manufactory since that period. Before the application of steam, it was necessary to select situations where falls of water could be had; these situations were frequently mountainous, and the population thin, and children were obtained as apprentices from large towns; but now these manufactories were in populous neighbourhoods. The individual in question finding that in his own establishment abuses had taken place, and were kept from his knowledge by the overseer, and learning that the same abuses took place in other manufactories, gave a proof of his sincere wish to remedy the evil by bringing in the bill of 1802.

The bill was brought in, and read a first time.

FEBRUARY 23, 1818.

On the order for the second reading of the Cotton Factories Bill,—

MR. PERL said, that the wish of the author of the bill was, to avoid for the pre-

sent the discussion of it; and to postpone the consideration till it had been committed, and the blanks filled up. Until that period arrived, it was difficult to judge of its nature or effects. Besides those who approved of the whole of the bill, some agreed to that part which fixed the minimum of age, and some to the prohibition of night work; from those he hoped in the present stage it would meet with no opposition. When it had been committed and the blanks had been filled up, it was proposed to print it, and circulate it, to collect the sense of the manufacturers on the subject. He knew there were also some who opposed any regulation on the subject, as a matter unfit for legislation. But if it was unfit for legislation, it could hardly be said to be unfit to be entertained. It was objected with a show of plausibility, that it was improper to interfere with free labour; but from the age of the children, and from the situation of the factories, their labour could hardly be said to be free. The masters of the cotton mills fixed the same hours of labour for all the persons employed, and a child could not say, that he would not work nine hours; he must work the ordinary number of hours, or not at all. He was satisfied that a number of mills were well managed, but he repeated, that it was for those which were improperly managed, that legislation was meant. The noble lord had said, that the bill was founded not on the evidence before the committee, but on evidence of a private nature, which was kept in the pocket of the mover of the bill, and which reflected on individuals. He was induced to state what this information was; he did not wish to keep it to himself, but would communicate the whole of it to any gentleman. It consisted of the result of recent inquiries of gentlemen in Manchester. One was Mr. Simmons, senior surgeon of the Manchester Dispensary, who said, he gave his opinion on the aggregate of cases which had been presented to him; and was convinced, that the hours which children laboured in the factories were too great for human endurance; that he shuddered to think of the effects of it, and that he did not think the practice would have been continued, but because the consequences were not known. The vicar of St. John's, Manchester, and another gentleman who inspected the Sunday school which many of these children frequented, had also stated, that from their observations, the long hours of labour were prejudicial to the health of children. He was somewhat surprised at the levity with which the hon. gentleman had treated the petition which had been presented, while he had dwelt so much on another petition from the same place. He (Mr. Peel) was not himself inclined to dwell much on this petition, but it was satisfactory on this point, that the petitioners being the parents of the children, wished parliament to interfere on the subject. They stated, that as from their poverty they were unable to do without the labour of their children, they were compelled to submit to the hours which the masters of the factories chose to establish. It was obvious, then, that the parents themselves had no discretion or control in the business, and that the legislature alone could regulate the management of these factories.

The bill was read a second time, and committed; the report received, and ordered to be taken into consideration on the 6th of April.

## ARMY IN IRELAND.

MARCH 2, 1818.

In a Committee of Supply, Lord Palmerston having proposed the Army Estimates for the year, Mr. Warre observed, that the noble lord, in his various statements as to the necessity of our home force, seemed wholly to throw out of his contemplation our large army in France.

MR. PEEL said, the hon. gentleman should recollect that the present estimates were only demanded for a year. The country was bound by treaty to keep up, for a time specified, an army in France. As long, therefore, as we were bound by treaty to keep up that force, it was impossible to consider it as applicable to the home service, or to make under that head an allowance for it in the estimates. An hon. gentleman had expressed something like dissatisfaction that the reduction for Ireland was not greater, and that the force considered necessary for internal tranquillity should still amount to 20,000 men. After the unanimity that had marked the greater

estimate two years ago, when the force admitted to be necessary was taken at 25,000 men, he confessed that he did expect the reduction and its causes would have been received with unmixed satisfaction. It was impossible for any man to demonstrate with mathematical accuracy the amount of force which the internal tranquillity of a country, situated as Ireland was, would require. It was a matter of grave opinion, and should be taken on the responsibility of those whose paramount duty it was to preserve the internal peace. The hon. gentleman considered that half the force, viz. 10,000 men, would be sufficient. Now as far back as 1767, under Lord Townshend's administration, it was resolved that the force for Ireland should be 15,000; 12,000 to be always detained in the country, and 3,000 for general service. But when it became a duty to estimate the necessary amount for Ireland, it would be idle to revert to distant periods. The true standard by which a judgment should be formed of the present estimates, was the number of men that within recent periods had been employed. He admitted that it was a period of war. But since the peace of Amiens there had been no apprehension of invasion—no vulnerable point on the Irish frontier. The force maintained during those years, large as it was, was in support of the civil power. He had, therefore, to congratulate the House on the improved state of the internal circumstances of that country. In consequence of that improvement, government were enabled to make a reduction both in the regular and yeomanry force of Ireland; and measures were in operation to reduce still farther the latter description of force.—The hon. member had truly observed, that during the last winter great tranquillity had prevailed in Ireland. The hon. gentleman was perfectly correct in the statement, and it was with great justice and peculiar gratification he himself must say, that under the pressure of privations, perhaps unexampled, no people had ever displayed more endurance, resignation, and magnanimity, than the people of that country. A sum of £37,000 had been advanced by the government to local subscriptions of charity. No money could be more wisely dispensed, nor could be received with greater gratitude. But whilst he spoke thus of the tranquillity of Ireland, it was nevertheless true, that some outrages had occurred. They were, perhaps, inseparable from the peculiar state of society there. Government had been applied to by the magistracy in some instances to put the insurrection act in operation. The application was refused, and the refusal was owing to the power it possessed of supporting the civil power by a military force, stationed through the country. Much benefit was also to be attributed to the extension of the civil authorities in that country.

MARCH 3, 1818.

In the debate which took place in bringing up the report of the Committee of Supply, to which the Army Estimates had been referred,—

MR. PEAR accussed an hon. member (Mr. Calcraft) of misrepresenting what he had last night said respecting the state of Ireland. For although he had stated it to be a source of satisfaction to the House that the internal state of Ireland was much improved, yet he had given it as his decided opinion that no force of a less amount than that proposed was compatible with the safety of Ireland. This was his opinion: the opinion of others might be different. But certainly he was more confirmed in his opinion when he considered that the only two members who differed from it were the hon. gentleman who spoke last, and the hon. baronet—the former had no personal knowledge, and the latter had not set his foot in the country since his return from India. It would be agreed on all hands that nothing could be more injurious or unsafe than a sudden reduction in the military force in Ireland; and he was sure that the House would be of opinion that a reduction beyond that made in the present estimate was consistent with the internal security of that country.

## EDUCATION IN IRELAND—PROTESTANT CHARTER SCHOOLS.

MARCH 5, 1818.

In the debate on Mr. Brougham's motion for a Committee to inquire into the Education of the Lower Orders,—

MR. PEEL rose, and said he wished to notice briefly the observations which the hon. and learned gentleman had made with regard to the Protestant charter schools of Ireland. The observations of the hon. and learned gentleman were probably made in ignorance of the public documents respecting these schools of a later date than the inquiry of Mr. Howard. He knew not whether he was acquainted with the report of the commissioners of education in 1808. The members of the board of education and their secretary had examined personally into the state of the Protestant schools, which, up to the time of the rebellion, were in a very wretched state. The contrast which their present state afforded was highly honourable to the masters. At the time of the report in question, these schools had not above £30,000 a year from parliament, and £9,000 a year from other sources. It was necessary to state also, when a contrast was made between the numbers taught in the charter schools and the schools of the Hibernian society, that the children in the charter schools were clothed and entirely supported, as well as educated, and the average expense of each child was calculated at £14 a year. Thirty-nine establishments were kept up in different parts of Ireland.

### COTTON FACTORIES BILL.

APRIL 6, 1818.

On rising to present a petition in favour of the Cotton Factories Bill,—

MR. PEEL said, he felt extreme satisfaction at having it in his power to lay before the House the petition he then held in his hand. It referred to the question of excessive labour in cotton factories, to which such frequent allusion had been made, in and out of the House. It was a petition from Manchester; the signatures affixed to it, amounting to 1731, were of the very first respectability; and from the condition of the subscribing parties, it was impossible they could be stimulated to make this application to parliament through any thing like interested motives. He felt happy in introducing to the attention of the House a document containing that species of evidence, of which it had been asserted upon a former evening that the House was not yet in possession. Herein was contained the evidence of the constant eye-witnesses of the injurious consequences of excessive labour, and long-continued confinement in the cotton factories in that neighbourhood. It had been also a source of objection on a late occasion, that although there had been obtained the opinions of some distinguished physicians corroborating the general opinion, that such excessive application was extremely unfavourable to health, still these were nothing more than the speculative opinions of London practitioners, unacquainted, in point of fact, with the actual situation or condition of this description of mechanics. It had also been said, that the signatures affixed to former petitions had in some instances, been those of persons actuated by discontent, and even a spirit of Luddism. If anything could remove these objections, he trusted it would be the present petition. It was in the first place signed by 1731 of the most respectable inhabitants, who most feelingly deplored the distressing situation of those manufacturers, whose labour was not alone protracted so as even to trench on the hours absolutely necessary for repose, but exerted in a temperature of such excessive warmth that it must be considered highly prejudicial to the constitutions of even the most robust. They in the strongest terms remonstrated, from their knowledge of its prejudicial effects, against the practice of rousing children of extremely tender years from their beds at unseasonable hours, in the most rigorous season, to their unhealthy and unremitting labour. Amongst the signatures to this petition would be found those of the magistrates of the town and neighbourhood, amounting to seven in number;—of the physicians, nine—of the resident surgeons 21—of the clergymen of the district 20, of whom 17 were of the established church. One of the physicians had been 27 years in attendance on the Manchester Infirmary, and three of the surgeons had been 30 years. There was thus the authority of thirty medical men, resident in Manchester, who were of opinion that the hours of labour were excessive, and that the effect of that excess was most injurious to the individuals exposed to it. It was impossible that these gentlemen could be influenced by any motives, except those of humanity. If, indeed, they had

any interest, it was in hostility to the bill, which was adverse to the opinions of so large a body of the inhabitants of Manchester. No one could, after this, assert that there was not satisfactory evidence before the House of the excess of labour, and of its injurious consequences.

## PROPOSED REPEAL OF THE WINDOW TAX IN IRELAND.

APRIL 21, 1818.

In the debate upon Mr. Shaw's motion for the Repeal of the Window Tax in Ireland,—

MR. PERL assured the House, that no man, however nearly connected with Ireland, would be more happy to support any measure favourable to it than himself. He would be happy to afford every relief to the people of Ireland for the great patience with which they had borne all the burthens imposed upon them by the late war; but he thought that nothing was more easy than bringing forward general principles, and applying them as arguments against any particular tax. As far as the case of Ireland was a peculiar one, he thought it entitled to particular attention. If the case which the right hon. gentleman had stated could be made out—if it could be shown that parliament were pledged to the repeal of the tax at the close of the war, there was, he conceived, very little discretion left but to repeal it; but he denied that such a pledge had been given. He conceived that the right hon. gentleman was mistaken in his construction of the act to which he had referred. He should explain the act to the House. When the tax had been first imposed, in 1799, by Mr. Corry, the windows which were opened on the 1st of January in that year were charged. This same regulation was proposed to be adopted in the next year, though it was known that in the interim several windows had been closed up. Several petitions were sent in against it, and it was alleged, as a great hardship, that persons should be charged for windows which they ceased to use; but it was answered, that such a regulation was only to continue for three years, if the war lasted so long. In 1800, there had been two acts passed relating to the tax, one for continuing it, and the other for regulating its collection, according to the first plan; and the words to which the right hon. gentleman had alluded, were not the words of the act for continuing the tax, but of that for regulating it. It was not, therefore, that the tax should cease at the end of three years, if the war continued so long, but that such regulation should only exist for that time. This he conceived was a direct answer to the statement of the right hon. gentleman with respect to the pledge. Indeed, so far was the Irish chancellor of the exchequer of that day from conceiving that a pledge had been given, that when, in 1803, he re-proposed the tax, he denied, in answer to a question from the member for Monaghan (Mr. Dawson,) that he had given any such pledge, and the tax was again passed, and he should add, that in 1807, the right hon. baronet opposite (Sir J. Newport,) had proposed, that several of the war taxes which used to be continued from year to year, one of which was the window tax, should be made permanent, which was agreed to. The right hon. baronet had assimilated those taxes to the system which prevailed in England; but he had formed no exception in favour of this particular tax. One argument had been made use of in support of the proposed measure, namely, that the Irish parliament was pledged to the repeal of this tax; but if the hon. member who made that observation would look to the words of Mr. Corry, the Irish chancellor of exchequer at the time the tax was imposed, he would find that there was no direct pledge given, and that the continuance or repeal of the tax after the war was left as a subject of farther consideration.—[Hear, hear! from Sir John Newport.] He did not understand the reason why the right hon. baronet cheered the observations he had made. If the gentlemen on the other side were of opinion that the tax could be given up without another tax being imposed in its stead, they were much mistaken. The window tax was pledged to the public creditor, and could not in justice be repealed without an equivalent being substituted. If any other tax could be pointed out which would supply the place of that proposed to be repealed, and which would at the same time press less heavily on the people of Ireland, there would be no breach of faith with



the public creditor, and it would be their duty to adopt it. But the important question then came, where, and in what manner, could such another tax be imposed? He thought that there would be much difficulty in answering the question. Another argument used by the hon. member with whom the motion originated, who from the fair, temperate, and candid manner in which he had argued the question, was entitled to the greatest respect and attention, was, that the window tax had contributed in a great degree to the rise and progress of contagious fever in Ireland. To that observation he would give what he hoped the House would consider a decisive answer. When in Ireland, he had devoted much of his attention to the subject of contagious fever, and conceiving that the operation of the window tax was likely to increase that disorder by a want of air, in consequence of the windows being closed up, he issued an order to different collectors and inspectors in the districts where the disorder prevailed, directing them to have it made known, that wherever it was found by a physician that windows should be opened in houses where fever existed, there would be no additional tax charged for any windows so opened. He did this, as he felt it necessary to the safety of the inhabitants of the country, that every minor consideration, as to the amount of the tax, should give way to the urgency of the distress caused by the fever. He was perfectly satisfied to be responsible for such an act, if any blame should be cast upon it, as it was justified by the emergency of the case. When this order was issued, the persons to whom it was directed were ordered to make returns of the applications made in the different places for leave to open windows, in order to ascertain how far the tax really operated in increasing the contagion. He would now inform the House what were the returns made on that occasion, from which it would be clearly seen, that the window tax did not at all tend to the increase of fever. In Dublin there was not a single application to open windows, in Kildare none, in Waterford none, in Cork none, in Coleraine one. In all, there were only seven applications in Ireland. It was possible that physicians might have ordered windows to be opened in some instances, without having informed the inspectors of taxes of it; but such could not be the case to any extent. From this it appeared, that the window tax was not, in any manner, instrumental to the fever in Ireland; besides, if the House would take the trouble to recollect, they would find that the window tax in Ireland was of a different nature from that in England. In Ireland no number under seven windows, and three hearths were taxed, whereas in England and Scotland six windows were taxable; and if the rent of a house were over a certain sum, window tax was charged in England, though the number of windows might be less than six. This was not the case in Ireland; and when it was considered how great a number of houses in Ireland had less than seven windows, it would be seen that the tax affected the poorer classes of that country in a very slight degree. He hoped this argument would not be mistaken: he knew it might be said, that any tax affecting the upper classes of society tended to injure the lower classes also, but his object was, to show that the fever had not increased in consequence of the tax, as the greater number of the houses where it existed never had more than, or so many as seven windows. The window tax was proportionably equal in both countries, and when his right hon. friend, the Chancellor of the Exchequer, proposed to reduce the Irish tax 25 per cent., he did as much as could be done consistently with the state of the country. If more could be done, he, as well as his right hon. friend would feel gratified in doing it. It was their duty to do every thing in their power for Ireland, and though they could not compel the Irish gentry to reside in the country, yet they could hold out inducements to them to do so by lowering the taxes as much as possible. It was contended that the Irish window tax, being a war tax, ought to be repealed in the same manner that the property tax in England was. But the cases were quite different. There had never been a property tax in Ireland, though there was and is a window tax in England. Looking, therefore, at all the points in the case, considering the numerous applications for the repeal of the duties on salt, leather, and other articles, he thought the reduction of 25 per cent. proposed by his right hon. friend, was as much as could be expected, or as could safely be granted, and on those grounds he should oppose the motion.

On a division, the motion was negatived by 67 against 51; majority, 16.

## CONTAGIOUS FEVER IN IRELAND.

APRIL 22, 1818.

Sir John Newport having moved for the appointment of a Select Committee to inquire into the state of Ireland, as to the prevalence of contagious fever in that part of the United Kingdom, with a view to providing against its recurrence, and to secure adequate means of support to the establishments designed for the relief of the diseased,—

MR. PERL said, that those who recollected the conversation between him and the right hon. baronet on a former evening, would easily imagine that he did not now rise to give any opposition to the motion, but, on the contrary, to perform the more acceptable duty of seconding it, and adding, that so impressed was he with the importance of this question, that he should have felt it his duty to submit it to the consideration of the House, had not the right hon. baronet anticipated this intention. He hoped he should be excused if he pursued the subject farther than the right hon. baronet had done, and entered into the progress of the disease from the documents which he possibly had alone access to as a whole, from the nature of his official situation. The right hon. baronet had truly said, that in September last, the fever, which though it had previously existed for four or five months, and indeed more or less in a slow shape for some years, assumed a character of serious malignity, so as to call for the attention of government. In the month of September last, he had taken measures for receiving from medical gentlemen throughout the country their opinions as to the origin and extent of the disease. He had accordingly received returns from the four provinces, all of which referred the origin of the disease to the same cause. They stated, that the great poverty of the labouring classes, owing to a want of employment, had produced a marked depression of mind. The pressure of scarcity was also most severely felt, and an excessive wet season had deteriorated the quality and reduced the quantity of that species of food on which the people almost exclusively subsisted, and had prevented them from laying in an adequate supply. The causes, therefore, of the disease, arose from want of employment and the poverty it engendered, from the defective quality and quantity of food, from the wetness of the season, and from want of fuel. Another cause was, the number of wandering beggars who roamed about the country, and communicated contagion; and the practice of the lower classes, of assembling to attend the funerals of their friends. On such occasions the infectious disease of a few was communicated to the many, and the disorder became violent and general. In looking at these causes it was, if not lamentable, at least affecting, that this contagion should have arisen from the open character and feelings of hospitality for which the Irish were so peculiarly remarkable, and from which no sense of fear or apprehension of danger could shake them. No persuasion would induce them to shut their door against the wandering beggar, or refuse to pay the last sad tribute to the remains of their friends and kindred—a tribute which they regarded with peculiar veneration. It reminded him of the description given by Lucretius of the plague at Athens, but there indeed the hospitality of the people yielded to the terrors of the contagion:—

*"Nec mos ille sepulture remanebat in urbe,*

*"Quo prius hic populus semper consu erat humari."*

In Ireland no fear of contagion—no fear of death—could operate to induce the people to forego the habits and feelings which they cherished.—He would now refer to the returns at Dublin, showing the mortality which there prevailed. On the 1st of September, there were 218 patients in the fever hospital of Dublin; in the six months following, there were 796; on the 28th of February, there were 1001; making an increase of 783 in the course of the six preceding months. On the 14th of March last, the number in the hospital was 1074. The total number of deaths during the six months was 456, and the average calculation of admission was thirty-nine patients *per diem*. The proportion of deaths to the sick was, on the highest average, as one to thirteen, and on the lowest as one to nineteen.—He thought he was not too sanguine when he considered that the calamity had reached its height, and was now rapidly diminishing. Since the 14th of March there had been a very considerable

abatement, both as to the extent and the peculiar characteristics of the fever. The grounds on which he hoped that there was now a great abatement were, not only the returns which he had received from various parts of the country, but the documents kept at Dublin, the authenticity of which could not be doubted. The number of patients in Dublin hospital on the 14th of March was, as he had stated, 1074; but on the 14th of April (the present month) it was only 850, being a diminution of 224. The proportion of deaths, as compared with the admissions, had also diminished. In one hospital the proportion was as low as 1 to 82, though the general average was as one to 20. The total number of patients cured and discharged within the last month, in Dublin hospital, was 1829, and the number of deaths was 89. But it was not only in Dublin that the abatement had taken place. In the north of Ireland the fever was much subdued, and in the western districts the decrease was still more considerable. He was in possession of returns from the medical superintendents in the various towns which proved this; but he would not trouble the House with these documents, as it would be more proper to produce them to the committee. It gave him much satisfaction that the right hon. baronet had not framed his motion so as to make it in the first place point to any particular plan for the employment of the poor as a remedy for this calamity. He agreed with him, that a main cause of the evil was this want of employment. But then, he much feared that the removal of this cause was beyond the reach of any measure which the executive government could adopt. It was therefore certainly much wiser, in the present stage at least, to avoid all debate upon that part of the subject. Many proposals had been made for the employment of the poor in public works; and, no doubt, in that way some relief was to be afforded. But then, with a view to the extent of the evil, the utmost that could be done in that way was but little. Other suggestions, of a nature still more objectionable, were continually making to the government, especially by manufacturers, who being distressed by the unfavourable state of the market for the particular sort of goods which they made, applied to government for loans to enable them to carry on their manufactures, and continue in employment the many persons who wrought under them. With applications of this kind it was obviously impossible to comply. For unless there were a consumption adequate to the supply of the particular species of manufacture, it was quite clear that it would only be aggravating the difficulty by increasing the supply. In short, the difficulties from the various remedies proposed were endless. But this part of the subject would, to a certain extent, fall within the consideration of the committee. He would therefore not trouble the House farther, but content himself with seconding the motion of the right hon. baronet.

The motion was agreed to, and a committee appointed.

## COTTON FACTORIES BILL.

APRIL 27, 1818.

The order of the day having been read for going into a Committee on this Bill, Sir Robert Peel entered at some length into the nature and objects of the Bill, and moved that the Speaker do leave the chair.

Lord Stanley opposed the measure, and moved, as an amendment, that the House should resolve itself into a Committee on the Bill on that day four months. Lord Lascelles, considering the question to be one of great importance, opposed the motion for the Speaker's leaving the chair, unless upon a distinct understanding that after the Bill should have passed through the proposed stage it should be referred to a committee above stairs, by which alone such information could be obtained as would enable the House to pronounce a wise and well-digested opinion on the subject.

Mr. PEELE at length observed, that he considered the noble lord (Lascelles) who had just sat down to have acted the most manly part, by coming forward to state his sentiments on this measure without disguise, and he was perfectly satisfied, that in the course he had taken he was solely actuated by humanity. He, however, could not think that the noble lord was justified in objecting to this bill, because a gentleman who inculcated certain speculative opinions on subjects of political economy

was supposed to have been concerned in bringing it forward. Whether that gentleman were concerned in it or not, was a matter of indifference to him, and he called upon the House not to reject a judicious measure because it might have the misfortune to be supported by an indiscreet advocate. Against such a doctrine he would protest—and maintain, that the question must rest on its own merits, and not on any adventitious circumstance. The noble lord had said that he objected to this bill being passed on *ex parte* evidence, and he therefore wished the subject to be referred to a committee above stairs. He (Mr. Peel) would limit his defence of it to *ex parte* evidence, to that furnished by the opponents of the bill, and on that he thought it would not be difficult to convince the House that, if without contravening some great general principle, they could apply a remedy to the existing evil, it was their duty to do so. He considered that he had two classes of opponents to reply to—those who admitted there was an evil to remedy, but were fearful of the principles on which the bill was founded—and, in the second place, those who were not afraid of the principle, but who considered there was no evil which required legislative interference. To the first, he replied, that in ten thousand cases connected with commerce, remedies had been supplied to particular evils without prejudice to general principles. To say the principle of interference was without a precedent was contrary to the fact, for it was constantly acted on in commercial regulations where peculiar exceptions from the general rule of trading practices called for a particular mode of relief. Now, did the cotton trade present such an exception as called for the application of this remedy? He thought it did, and for this reason—it was carried on in immense buildings, in many of which more than 1,000 children were kept at work, 12, 14, and sometimes 15 hours a day—no distinction being made between the child of the tenderest age and the most grown, or between the imbecile and the strong. These children were obliged to work the same hours as men, and if, in manufactories where the average time of working did not exceed 12 hours, from accidents which stopped the mill, they lost a few hours, they were obliged to fetch them up by “extra time,” and this imposed upon them occasionally the necessity of working 15 hours in one day. The business, besides, was carried on in a heated atmosphere. In the finer branches of the manufacture, he believed it was necessary that the body should be kept in such a temperature that the threads would adhere to the fingers of the work-people! In some, the atmosphere was polluted by small flying particles of cotton, and this evil, though guarded against in some manufactories, could not be prevented in all. The numbers employed in the cotton trade was another of its peculiarities. If the evil were a small one, then legislative interposition might be unnecessary, on the maxim, *de minimis non curat lex*; but here the evil was confessedly great, for in Manchester alone no fewer than 11,600 children were employed in this trade. The noble lord had objected to any interposition, on the ground that it would alter the relations between the parent and the child, the child and the master, and affect that arrangement of free labour, or, as he afterwards qualified it, by saying, “what was called free labour.”

Lord Stanley observed, in explanation, that he used the words “free labour” in the sense of the child being so employed by consent of its parents.

Mr. Peel resumed, and said that the erroneous conclusion of the noble lord was that the parents had an option in the business. The parents had no objection to this measure. It appeared they were willing that the hours of labour in each day should be limited to eleven; but they had no alternative, as the masters said they must either remove their children altogether, which they could not afford to do, or they must let them work 12 or 14 hours, as the men did. The noble lord had approved of the Apprentices Bill, but he (Mr. Peel) contended that those who were to be protected by the present measure, were less protected by the interest of the master from the abuses complained of, than ever apprentices had been. The master had an interest in preserving the health of his apprentice, particularly during his early years, for he was bound so to apply his time, as to prevent his being a burthen upon him by indisposition or otherwise during the subsisting engagement it was imperative upon him to maintain; but in the factories the terms of engagement were either daily or weekly; and the proprietor, in case of illness or accident, had always at hand the means of replacing the person discharged. This particularly struck him from the evidence of Mr. Lee, the partner of the hon. gentleman opposite, who had said this measure

would press harder on the manufacturer in the country than on him who resided in Manchester, as the latter was "nearer the market of labour." The meaning of this was, that if the children in his employ failed him, he could easily procure others from "the market of labour." What was this but saying that because hands might always be obtained by the manufacturer with facility, there existed no necessity of his relaxing any part of that system under which so many were willing to act? Substitutes were easily had for the sick or the weak child, and no very great inducement was held out to show the necessity of restricting the hours of labour. Look, then, in case of the accidents to which these mills were liable, and the consequent practice of making up for lost time in the mode of pursuing the business when the machinery was again put in motion, and the House must be at once struck with the severe duties imposed upon children. If, as had been said, the consequence of this bill would be, that the masters would supplant the children by the employment of adults, then it was clear that the former were merely retained for their labour, and that the interest of the master was not, as had been asserted, a sufficient security for the treatment of the child. If the system were so much improved as some of the opponents of the bill contended it was, this made his argument but the stronger. He could wish to know when the eyes of the masters were first opened to their true interest, and whether the alteration which had taken place had not been made as a preparation for an expected inquiry? At all events, it was necessary to guard against a recurrence of the evils from which it appeared those employed in the cotton factories had but recently escaped. What security was there that the factories would not relapse into the system of bad management from which they had emerged? What security was there that if parliament withdrew its interference, the arrangements of those establishments would not again fall into that irregular and oppressive distribution of labour which previously characterized them? The number of hours during which children were employed at these factories, appeared, from the evidence of the proprietors themselves, to vary, on an average of from twelve to fifteen hours each day. In one manufactory at Manchester, which employed 600 persons, 374 of them were under 18 years of age; and when they considered that 11,600 children were thus employed in one town, it was an argument, *a priori*, without any reference to the other parts of the subject, that, from the mode of labour pursued, the injurious consequences to the health of the children must be manifest. That they ought to work, and to work hard for their subsistence, was what he did not mean to deny. That a large proportion of society must earn their bread by the sweat of their brow, was what might appear hard to the philanthropist, though the philosopher must think it necessary; yet necessary as it was in the state and condition of society, it was yet incumbent on the legislature to see that such a system of over-working was not applied to the infant race, as paralysed their future exertions, and deprived them of all fair and useful recreation. Even what was said of the measures taken to give these poor children education, proved to his mind the hardships to which they were subjected. He learned with disgust that they were not sent to school to receive that instruction which might raise them above the machine at which they worked, till they had been exhausted by 13 or 15 hours of labour. In the evidence before the committee, Mr. Sandford had quoted the returns from the Sunday schools, for the purpose of contrasting the superior appearance of the children employed in the factories with those in other employments; they attended more regularly than the other children, were cleaner and more orderly. But then came the part of the explanation to which he (Mr. Peel) begged to direct the attention of the House—"the children of the cotton factories were in as good health as the others, though they did not look as well." [Hear, hear!] It was also said, "they came as early to school as the other children, except in some of the evenings of the winter months." This explanation afforded room for much consideration. Was it not disgusting to see that education, which was intended to be the greatest of blessings, converted into a curse by this mode of compelling the children to try and avail themselves of it, after thirteen hours and a half of fatigue, when, throughout the day, labour had drained from them every spring of action that could refresh their faculties, and benumbed that elasticity of mind which could excite them in the pursuit of study?—was it not disgusting to see them thus transferred, after 13 or 15 hours of bodily exertion, to close the day under the hands of a writing-master?—Of the children who worked fifteen hours, possibly not one resided in the mills; many

of them were obliged to come from the distance of a mile, and the time so taken up was to be added to that of their employment in the mill. He would appeal to the common sense and feeling of every man to admit—he wanted no evidence to prove—it was impossible that it could be requisite to the prosperity of this great and flourishing country that such enormous labour should be exacted of nearly twelve thousand children in one town. The facts acknowledged were enough for his purpose. An hon. member laughed when he said he wanted no evidence. Did the hon. member mean to say no evidence could be produced? That there was no evidence before the House? If evidence were wanted, he need go no farther than a petition which he himself had the honour to present, of the highest character, signed by thirty medical gentlemen and twenty-one clergymen. In answer to the allegations of, and inferences from this petition, the noble lord said he would grant it was signed by one gentleman of great respectability, but of so easy a disposition, and over-compassionate temper, that he might readily be prevailed upon to lend the sanction of his name to any document of the description. It was in this manner the noble lord endeavoured to shake the testimony of a name so elevated and respected. The noble lord was compelled to acknowledge that the legislature had already acted on the principle of interference with free labour, as it was called, in the instance of the chimney-sweepers. He had indeed afterwards laboured to establish a distinction by which that case would be taken out of the general principle; but he had failed—he was mistaken in his opinion—his opposition was too late. “The Chimney Sweepers’ Act,” said the noble lord, “altogether abolished—this bill goes to regulate—a certain species of labour for children.” But surely the noble lord must confess that an act which absolutely prohibited the employing of children in any occupation was a far more violent interference with free labour than one which only limited it to a certain period—eleven hours for example. Others again who spoke of the unhealthiness of cotton mills were answered by some hon. members, who seemed to think that of all the healthy spots on the face of the globe, a cotton mill was the most healthy. Indeed, if all that these hon. members said of the healthiness of cotton mills were true, application ought to be made to the legislature for the erection of cotton mills, for the purpose of further and more effectually providing for the health of his majesty’s liege subjects. The instances produced from the evidence were certainly strong enough to support the most unqualified of the assertions which had been made as to the healthiness of cotton mills. One of the instances was that of a mill at Glasgow, in which he believed an hon. gentleman opposite was concerned. It was given in evidence that in this mill 873 children were employed in 1811, 871 in 1812, and 891 in 1813. Among the 873 there were only three deaths; among the 871 two deaths; among the 891 two deaths; being in the proportion of one death in 445 persons. So very extraordinarily small a proportion had naturally excited the astonishment of the committee, and therefore, as was to be expected, they questioned medical gentlemen as to the proportion of deaths in different parts of the kingdom. When this statement was shown to Sir Gilbert Blane, he expressed his surprise, and observed, that if the fact were not asserted by respectable persons, he should not believe it; and being asked why he distrusted it, he said that the average number of deaths in England and Wales was one in 50 (in 1801 there had been one in 44). There were favoured spots certainly, Cardigan, in which the deaths were as one in 74; Monmouth, in which there was one in 68; Cornwall, one in 62; and Gloucester, one in 61; yet in the cotton factories they were stated to be as one in 445! In one of Warton’s beautiful poems, which began with these lines:—

“Within what mountain’s craggy cell  
“Delights the goddess Health to dwell?”—

after asking where the abode of this coy goddess was to be found—whether on “the tufted rocks,” and “fringed declivities” of Matlock—near the springs of Bath or Buxton—among woods and streams—or on the sea shore, it would certainly have been an extraordinary solution of the perplexity of the poet, if, when he inquired

“In what dim and dark retreat  
“The coy Nymph fix’d her fav’rite seat?”

it had been answered, that it was in the cotton mill of Messrs. Finlay and Co., at Glasgow; yet such was the evidence respecting this mill, that its salubrity appeared

six times as great as that of the most healthy part of the kingdom. This was the sort of evidence which had been brought to disprove the evidence of disinterested persons, of medical men, and even of persons who had an interest opposed to the measure before the House. He held in his hand resolutions by the cotton spinners of Ashton-under-Line, and also of Halifax, which stated their opinion that it was become highly necessary to limit the hours of labour in cotton and other mills. They wished, indeed, that the number of hours should be greater than that in the present bill—for they wished the hours of labour to be twelve; and they said they were willing to confine themselves to that number of hours, but that others would not do it, and they should therefore be subjected to unfair disadvantages. But the number of hours was comparatively of small consequence, provided it were within due limits, for they all admitted the principle of the present bill. Here were proceedings on the part of the masters themselves admitting the propriety of interference by the legislature, and the ground alleged for the resolutions they had come to was, that they did not find that the limitation of labour by the masters had produced the bad effects once apprehended from it—but then they added, that they alone could not do this, because the parents, and some of the children themselves, would prefer factories where the time of working was fourteen hours, on account of the additional wages; but if the House would make the regulation general, so far from objecting to it, they would hail it with joy as an important boon. This was the last evidence which it was necessary to mention to the House, for it was the evidence of the party interested. With all this, then, before the House, it was surely enough to show that justice and humanity and good policy, called upon them to pass this bill; and to accede to the proposition of limiting the hours of labour of children in cotton factories to eleven and a half.

The motion was agreed to, and a Committee appointed.

### NEW CHURCHES BUILDING BILL.

APRIL 30, 1818.

In a Committee on this Bill, Sir W. Scott objected to the clause which entitled twelve well-disposed persons to build a church, and appoint a minister, with the consent of the Bishop, as tending to disturb the tranquillity of the church, by the introduction of dogmatical secretaries, and by infringing on the rights of patrons. He therefore moved the rejection of the clause.

MR. PEEL expressed his entire concurrence with every observation which had fallen from his right hon. and learned friend. The objectionable clauses did not seem necessarily connected with the rest of the bill, and might easily be detached from it, to be made the subject of a separate discussion. They, therefore, ought to be introduced in a separate bill, and determined on their own grounds. If right, they might be voted by themselves; if wrong, they ought to be rejected without injury to what was right. The consent of the House ought not to be purchased to an objectionable measure by its union with what was desirable, nor ought the regulation of the latter to be hazarded by being coupled with the former. The bishop was not allowed to judge by the bill of the source from whence the funds arose. If twelve well-disposed persons agreed to raise the necessary funds, they might apply to him, and have his consent to the erection of a place of worship, to which the trustees elected by the majority of subscribers, wherever they resided, would have the right of presenting twice. This description of persons appeared to him to be as indefinite as the result of their operations might be injurious to the rights of the church. What was meant by well-disposed persons, when the term was introduced into an act of parliament? Crime was defined by law, but he never yet heard of a definition of morality in a statute. How were we to measure good dispositions, or ascertain the character of well-disposed persons by an act of parliament? He was confirmed in his objections to this clause of the bill by the very concessions that had already been made, and the amendments introduced. In the original proposal of the measure, the subscribers were to have the right of nominating thrice. His right hon. friend, the chancellor of the exchequer, had now reduced this right to two turns of nomination, and another right hon. friend (Mr. Bathurst) spoke of one. Why was the original pro-

position abandoned, if it were right? In the bill there was no description of the kind of fabrics to be raised, and no provision made for their repairs. They might only be of a kind to last so long as the original subscribers had an interest in the nomination of the clergyman; and might devolve to the patron or the incumbent when unfit for use. He opposed the clause, and wished it separated from the bill.

On a division, the clause was rejected by 47 against 22; majority, 25.

## OFFICE OF CONSTABLE IN IRELAND.

MAY 7, 1818.

Sir Henry Parnell having moved, "That a Select Committee be appointed to inquire into the laws relating to the Office of Constable in Ireland, and to report their observations thereupon to the House,"—

MR. PEEL said, it was impossible, at this period of the session, that any good could arise from an inquiry such as had been proposed by the hon. baronet. Supposing the result of such committee were the confirmation of the present system, no advantage would be derived from it; but supposing the result were otherwise, and that the present system were condemned, it was now too late to introduce any other in the room of it. Now, would it be prudent to pass a condemnation on the existing law without providing any substitute for it? The subject to which the hon. baronet had called their attention was one upon which he (Mr. Peel) had been long occupied; and he could safely say, there was nothing which he had more at heart than the perfecting the police system of Ireland. He had stated, in the beginning of the session, that the efficiency of the present system had in many cases not been sufficiently tried. The grand juries had power, by the bill which he had brought in, to appoint in each barony a certain number of constables, and they had the power of allotting a salary not exceeding £20 a year to each constable. He had said, that the local authorities might have in many cases appointed a more efficient description of constables. The county of Longford was one of the most disturbed counties of Ireland. It had been restored to tranquillity principally in consequence of the increasing exertions of a most invaluable magistrate, a member of that House, Lord Forbes. Previously to the act brought in by him, there was no retiring allowance to constables. Means were taken to remove those constables whose age and conduct rendered it expedient to remove them, and a more efficient description was appointed. The system which the hon. baronet had too generally condemned, was here fairly carried into execution. No magistrates in that county had found it necessary to have recourse to a military force. They divided the constables into two classes, one of which received a salary of £12 and the other of £20 a year. His main objection to any general system of police, such as had been recommended by the hon. baronet, was, that in many counties there was no occasion for that police, and it was hard to subject them to an expense for which there was no necessity. Grand juries were alone responsible for the appointment of constables. But government were responsible for the execution of two other acts. The first of these was the Insurrection act. He was happy to be able to say, that in no instance since it had been last continued, had the government found it necessary to carry it into execution, notwithstanding the reduction which had taken place in the military establishment. The act expired with the present session, and he should not propose its continuance. Another act, of a much more constitutional nature than the Insurrection act, and for which the government was alone responsible, was the Peace Preservation Bill; and he would ask those who were acquainted with that part of the country, whether he had taken too much credit to the Irish government, when he said that that act had completely succeeded? The hon. baronet had proposed the general extension of that bill; but to this there was an objection, that the executive were vested with ample powers at present to put it in execution. The executive had obtained a power last session of defraying the whole expense of carrying the act into execution in any district, except one-third, from the public funds. In only one instance, that of a district in the North of Ireland, had government borne two-thirds of the expense, in some cases it had borne one, leaving two-thirds to the district. But his objection to the extension of the



Peace Preservation Bill were two-fold; first, it was totally unnecessary in many districts; and, secondly, it would be unfair to charge many districts, which had always been in a tranquil state, with so heavy an expense as it would occasion. But he had a stronger objection to its extension. At present, when a district ceased to be disturbed, the establishment was withdrawn, and transferred to another place, and thus it was impossible to form local connexions. But he was quite sure if it were to become a permanent system, it would be impossible to prevent it from degenerating into abuse. In no instance had government attended to any local recommendations. No person could be more alive than he was to the advantages of an efficient police; but the constitution of such a police required much consideration. He did not wish to panegyriize the present system as a perfect one; but it would be impossible to transfer the power now vested with the grand juries to magistrates, without a previous inquiry, and there would be greater facilities for conducting such an inquiry early next session. He had called for a return from the different counties of Ireland, which in some instances he had obtained, of the number of constables appointed in every barony, and what was paid to them, and he had no objection to move for such returns on that subject as he had himself expedited. With respect to the pledge he had given last year respecting sheriffs, it had been completely redeemed. He hoped he might be excused here for travelling a little out of the question immediately before the House, and alluding to a circumstance that had occurred at the close of the last session. He had then given a pledge for an alteration in the mode of appointing sheriffs. This pledge he assured the House he had amply redeemed. The judges were directed by the Lord-lieutenant to examine the grand panel on their several circuits, and select three names in each county of persons whom they had reason to think were fit to fill the office of sheriff. These returns were to be made to the Lord Chancellor, who was to examine the lists before a full attendance of the judges, and then make a return to the Lord-lieutenant for his selection. This had been impartially and effectively done: and he had the opinion of the present Lord Chancellor of Ireland, who had formerly been a baron of the exchequer here, that the manner of selection pursued was as perfect and as unexceptionable as he had ever seen it in England. The result of this departure from the painful task of selecting sheriffs, previously imposed upon the executive government, was, that in no year had Ireland been possessed of so impartial and respectable a list of sheriffs. The government were determined to give effect to so excellent a system as this. They would rigorously pursue it; and the advantages would be eminently felt by the country.—He concluded by hoping the hon. baronet would not, at this late period of the session, press a motion which could lead to no immediate practical result.

The motion was withdrawn.

## IRISH ASSESSED TAXES.

MAY 13, 1818.

In a Committee on the Assessed Taxes in Ireland, the first resolution respecting the Hearth Duty having been read, Sir H. Parnell expressed a hope that the House would dispense equal justice to Ireland, and relieve it from "this badge of slavery." If the hearth tax were repealed, he should not at present press for the repeal of the window tax.

Mr. PEEL thought it would be better not to force his right hon. friend to substitute the house tax in lieu of the hearth tax, which must be the consequence of agreeing to the present amendment. The best course would be to continue the old duty until the next session, and then to consider whether some substitute could not be adopted.

Sir H. Parnell having consented to withdraw his amendment, the resolution was agreed to.

The Chancellor of the Exchequer then moved, That a tax of 15s. per window be paid on certain windows in Ireland, specified in the schedule.

Mr. PEEL said, that if, as had been asserted, the faith of the Irish parliament were pledged not to continue this tax, on the conclusion of peace, then the House had scarcely any discretion on the subject. The legislature ought, as it appeared to him,

in that case, to give up the tax. But he denied that this was the fact. When, on a former occasion, a right hon. and learned gentleman (Mr. Plunkett) had argued, from the preamble of the act of 1800, granting this tax, that it was meant to be continued only in time of war, not having the act by him, he was obliged to pass over that part of his statement. The preamble of that act set forth, that, to support a certain number of men, the window tax was granted to his majesty for a year. This the right hon. and learned gentleman stated—but he forgot to state also, that, by the same act, many other duties and customs, on tea, sugar, wine, tobacco, &c., were also granted. So that if the right hon. and learned gentleman's argument proved any thing, it proved this, that all these duties, as well as that on windows, should be removed at the return of peace—a proposition that could not be maintained by any individual. If there had been any intention to repeal this tax, some trace would be found of that intention in the proceedings of parliament. But none such could be discovered. He conceived, therefore, that the argument relative to the good faith of parliament having been pledged, fell to the ground. When he said this, he begged to observe, that he was sure the right hon. and learned gentleman, in making the statement he had done, was not influenced by a desire to mislead the House, but that he had quoted the preamble of the act, believing it to refer alone to the window tax. If it were considered merely as a war tax, it was very extraordinary, that, in the years 1806-7, when the right hon. baronet rendered various annual taxes permanent, and this amongst the number, he never thought of making a special reservation with respect to it. As to the policy of doing away the tax, it was a subject that could alone be considered by a general reference to the state of the country. Now, in the last year, the total charge for Ireland, interest of the debt, miscellaneous services, &c., was £4,885,000. The total revenue was £4,388,000, leaving a deficiency of £497,000. This would be increased to a very considerable extent by the reduction proposed by his right hon. friend; and if a reduction of 50 per cent. were agreed to, on the suggestion of the right hon. baronet, the additional deficit would be about £153,000. Supposing, in future years, the finances of Ireland not to increase, this sum, added to the amount of the existing deficiency, would leave a sum of £560,000,—a deficiency of revenue to meet existing charges in Ireland which must be supplied by remittances from this country. The charge payable in England, on account of the Irish debt, was £4,476,000. That extent of burthen, for which Ireland was pledged at the time of the Union, this country had taken on herself. If to that were added the deficiency in the consolidated fund of Ireland, the whole extent of burthen, for which this country had become liable on account of Ireland, would be found not less than £5,000,000 per annum. What was the amount of the debt of Ireland previously to the Union, the interest of which was chargeable on the revenue of Ireland? The interest, at the time of the Union, was £1,682,000. The interest of the debt which Ireland at present paid was £1,690,000, being only a difference of £8,000 between the interest of the debt paid before the Union, and that which was paid at present. The expense of the civil list, the army establishment, &c. of Ireland, was, independent of the debt, £3,100,000, and the income to meet it was £4,388,000,—leaving the sum of £1,288,000 applicable to the payment of the interest of the debt, and various other charges. Beyond that sum of £1,288,000, Great Britain was bound to make good every deficiency. He did not mean to say that she had not a right to do so. Undoubtedly she had, as the treasuries were consolidated. But he thought it was necessary to bring the fact distinctly before the House. These were considerations they could not leave out of the question, when they were called on to repeal a tax of this kind. It was useless to say, that his right hon. friend ought to repeal taxes, and also to find a substitute for them—as if he had any more interest in the repeal and application of taxes than any other individual in the country. The fact was, when he was called on to give up taxes, it ought to be considered how the exigencies of the country were to be provided for without them. Let the House recollect the number of taxes parliament had been asked to repeal in the present session. Discussions had taken place on the leather tax, the salt duties, the window tax, and several others. Now, he would put it to gentlemen, when it was stated, a few days since, that the public service required £21,000,000, while the supply to meet it amounted to only £7,000,000, whether they would compel his right hon. friend to give up sources of revenue, which were essentially necessary to the welfare of the state?

On a division, the motion in favour of the window tax was carried by 80 against 55; majority, 25.

### ILLICIT DISTILLATION.—TOWN LAND FINES IN IRELAND.

MAY 30, 1818.

In the course of the debate on the general motion, for leave to bring in a Bill to repeal such parts of the Act of the 54th of the King, and all former acts relating to distillation of spirits, as authorized the imposing and levying of fines on town lands, and other districts in Ireland,—

MR. PEEL said, the first question that arose was, had the measure been efficacious? If not, there was ground for repeal. It might be efficacious, and yet unjust, and then there was no reason why it should not be repealed. It was necessary it should be proved to have been effective not alone in one district. It might, however, have failed in one district, and have been efficacious in the rest of Ireland. There was not one petition against it but from the county of Donegal. On the contrary, documents had been presented proving the system to have been as successful as could have been anticipated. If he compared the number of fines, and found a decrease with the system, then it might be said to be successful. If he examined the rewards to the civil and military power, and found them diminish, then it might be said that it was efficacious. The quantity of illicit spirits increasing, rendered the demand for legal spirits less; but if the latter increased, then he might argue that the system was successful. In five years great alterations had taken place among the fines. In Lent assizes, 1814, there had been 1,327 still fines; in 1815, 1,506; in 1816, 1,058; and in 1818, the amount had diminished to 368. The two last years had diminished by one-fourth. Of rewards in 1813, the sum paid to the military and to the civil power, had amounted to £21,000; in 1815, it was £15,000; and last year £7,000. Last year, therefore, it was one-third of the sum paid in 1813. With regard to legal spirits, in three years in the county of Derry, there had been consumed 18,000 gallons, before the operation of this measure, but in the last three years the consumption had been 111,000 gallons, six times the amount of the former. In Ulster, the consumption for the three last years had been 1,540,000 gallons, a quantity greater than what had been consumed in three years before the measure was in operation. In 1817, the fines on the whole of Ireland, except Donegal, were 593, and in that county 619 more than in all Ireland besides. For the last five years in Kilkenny there had been 13 fines, in Cork 12, in Wicklow 5, in Waterford 3, and in Kerry not one. For these 33, there had been in Donegal 3,400, *i.e.* for every one in these parts, there had been 100 in the county of Donegal. The question then arose, why could not things be managed differently in that county? There was a variety of causes which operated against that. It was a fact, that, in that county, the tithes amounted in the worst and most remote parts, to 12s. per acre. A memorial had been presented by a Mr. Robert Young to the board of excise, in which he had expressed his surprise that he should have suffered more than those who had employed all their exertions to support illicit distillation, though it had been his constant endeavour to suppress it. By the evidence of a revenue officer, which had not been contradicted, a Mr. Lucius Carey had actually imported man-traps, with the avowed intention of catching any revenue officer that might come near them. There seemed to be a particular fondness for illicit spirits in Donegal, which, perhaps, operated as a kind of premium for them. The gallant general, on his examination, on one occasion, had been asked what sort of whisky was most sought after; to which he had replied, "If the people could get any other, they would not drink parliament whisky." He was asked if he gave his haymakers what he called parliament whisky (meaning legal spirit); to which he replied, "He would not give them that, if he could get any other." Many of the inferences that had been drawn on this subject had been totally erroneous.

The motion was negatived.

## CHOICE OF A SPEAKER.

JANUARY 14, 1819.

On the opening, by commission, of the First Session of the Sixth Parliament of the United Kingdom of Great Britain and Ireland, at Westminster, on the 14th of January, 1819, in the fifty-ninth year of the reign of his Majesty King George III., the usual preliminary formalities having been gone through, the Right Hon. Mr. PERL arose, and addressing himself to Mr. Dyson, Deputy to the Clerk of the House, spoke to the following effect:—

Sir; I rise to address you in consequence of the message which has just been communicated to us at the bar of the House of Lords, and in conformity with long established custom; by which we are directed to proceed to the performance of a duty, which, although the first in point of time, is certainly inferior to none with respect to its importance. That duty is, the election from amongst our number of a fit and proper person to act in the dignified situation of Speaker. In performing that duty, I need not say that it peculiarly behoves us to select a person duly qualified to discharge the functions of an office so distinguished as almost to be considered a separate branch of the legislature;—an office which has this peculiar character, that it is the only high and important situation in the state which does not depend on the nomination of the crown, but which proceeds entirely from the election of the people. The office of Speaker of the House of Commons is of a character not more remarkable for its great antiquity, than on account of the extent of the trust reposed in the individual appointed to that high situation. Its duties are so many and important, and the House is so accustomed to witness their performance, so deeply interested in their due discharge, that it would be superfluous, and indeed presumptuous in me to enter at large into their detail. Every one who now hears me, even those who now attend here for the first time to assist in our deliberations, must be aware of the duties which the Speaker has to perform in this House. To him it belongs to preside over all our proceedings, to deliver his opinion with promptitude and decision on any disputed point referred to his consideration, to preserve order in the discussions of the House, to regulate its forms, to exercise its collective authority, to denounce its censure, and to communicate those testimonies of national approbation and gratitude, which must ever form the strongest excitement and the highest reward to honourable minds. I should be ashamed of enlarging on this topic if I were not enabled to avail myself of the emphatic language of a celebrated personage who filled the chair in the time of Charles the First—I mean Mr. Serjeant Glanville—which, although it savours somewhat of the quaintness of antiquity, fully described the duties attached to this important office. “I am elected,” said he, “to be the mouth, indeed the servant of the House of Commons, to steer, watchfully and prudently, in all their weighty consultations and debates; to collect faithfully and readily the genuine sense of a numerous assembly; to propound the same seasonably, and to mould it into apt questions for final resolutions; and so represent them and their conclusions, their declarations and petitions, upon all urgent occasions, with truth, with right, with life, with lustre, and with full advantage to your most excellent majesty.”\* But those duties of the Speaker which are discharged within our walls, constitute but a small, and not the most important, part of the great functions committed to him. Not only is he selected for the guardian of our own rights—we also select him for the performance of duties in which the people at large are no less interested than ourselves—duties, the execution of which must affect even the remotest posterity. We do not select him merely to make a formal demand of those rights and privileges which were claimed and asserted by our ancestors, which are as much ours as our lives, and general liberties—no, we select him as the sentinel to guard against all slight encroachments on our privileges, to detect those trivial departures from established forms which are the more dangerous because, from their apparent want of importance, they are likely to escape attention, and because the danger to be apprehended from them seems to be too remote to demand an immediate interference. The necessity of providing a

\* Parliamentary History, vol. 2, p. 585.

check against such contingencies is pointed out by reason and history. It has been well remarked, that in all free and of course complicated governments, at some period or other, cases would occur when the interests of the different established orders of the state would clash, and questions would arise on the particular privileges of each. Without the exertion of unremitting vigilance, it is impossible to guard against encroachments pregnant with the most dangerous consequences. It is impossible for any person to take the most imperfect view of the history of this House, it is impossible for any person to throw the most rapid and cursory glance over its increased influence in the state, without perceiving the immense importance of that unrelaxing jealousy with which we have almost invariably resisted the slightest encroachment on our privileges. To nothing are we so much indebted for the enjoyment of that right which the House has most at heart, which establishes its equality with the other branch of the legislature—I mean the right of originating taxes, of commencing every measure in which the public money is concerned; that great privilege by which we can rebut every attempt from any other quarter to interfere with the property of the people—to no cause are we so much indebted for the preservation of that right as to the constant and anxious solicitude with which the House of Commons has looked out for and provided against dangers, the approach of which could be detected only by the keenest eye. It is not possible to examine the Journals of the House without remarking the scrupulous nicety with which it has regarded a departure from the most minute forms. Danger, it was felt, might be connected with an amendment to some private bill, with an alteration in some penalty, with a charge in some appropriation, or with some other matter, equally trivial in appearance, which inattention or neglect might pass over unnoticed, but which in the result might affect, not merely those immediately interested, but even the remotest generations.

For the adequate performance of such duties as I have described, it is evident that great and various qualifications are necessary—qualifications not inconsistent or incompatible with each other, but which are rarely associated in a single individual. We require of our Speaker, in the discharge of his duty, unwearied attention, prompt decision, the utmost presence of mind, and the greatest facility in the despatch of business. With these qualifications we demand others that are not commonly supposed to accompany those faculties which characterize men of high ability. We require a mind capable of taking a comprehensive view of the historical events, the commercial relations, and the high political interests of the country, and yet capable of withdrawing itself from the contemplation of such important and interesting subjects, and of descending to the discussion of some insulated principle—to the investigation of some trifling point of order, some almost obsolete form, or some nearly forgotten privilege.

It is, perhaps, necessary for me to make some apology for thus having attempted to detail the various qualifications and duties of the important office under our consideration. The only excuse I have to offer is, the usage on similar occasions, and the great number of gentlemen surrounding me who now sit, for the first time, in this house.—I will now, however, Sir, proceed to the more immediate object for which I rose, namely, to propose to the House, the selection of an individual to undertake this honourable, but difficult office. And in doing this, I assure the House, that I would not have suffered myself to be betrayed into the proposition which I am about to make by the partiality of private friendship, if I had not felt a strong conviction that it was in unison with the sentiments of the House, and a confident hope that it would meet with their unanimous concurrence. I trust, Sir, that in proposing to the House, that he to whom this most important trust was confided by our predecessors, be continued in the possession of it—that the Right Honourable Charles Manners Sutton be again placed in our chair—I shall meet with the general support of those whom I have the honour of addressing. The experience we have had of his conduct in that exalted situation, has of course been short. But, such as it has been, I may with confidence appeal to those who hear me, whether it did not fully justify the expectations of his friends, whether it did not bear out all those liberal admissions which were made by those, who, while they recorded their preference of another, gave testimony of the high sense they entertained of his talents and his virtues. Sir, those liberal admissions were drawn forth by the recollection

of what his conduct had been in another office, which required for the perfect discharge of its duties, many qualifications similar to those which are necessary for the formation of an efficient Speaker.\* The office to which I allude demands constant attention, which is, indeed, indispensable for the administration of all justice, but which is peculiarly necessary for the branch of it that was intrusted to his superintendence, from the great extent of the military body over which he presided. Beyond this the situation required great knowledge of mankind, great delicacy (from the nature of the business which was to be transacted, and the rank and habits of those with whom he had to communicate), great patience, great vigilance, great equanimity, and deep forethought. The tenor of that office imposed on him the duty of taking a part in the deliberations of this House, when military subjects connected with the functions which he had to discharge, were introduced; and I am sure I can safely say in the presence of those who heard him, and who are immediately interested in those subjects, that while he defended his opinions with warmth and earnestness, he never lost sight of decorous feeling; that while he exhibited the honourable zeal and boldness which are inseparable from conscious innocence, he constantly avoided the use of any expression that could wound the feelings of any man. Such, too, was his deportment during the short time that he was in the chair of this House, that should it again be his lot to fill that distinguished situation, he will commence his new career without the risk of encountering a single foe, and his anxiety to avoid overstepping the bounds of moderation and forbearance on every occasion, so essential to the maintenance of the dignity of the chair, gives the best assurance that he never will make one.

Of his other qualities it is unnecessary for me to speak;—his facility of access, his readiness at all times to afford information, his uniformly mild and conciliatory manners; these are well known to all who sat in the late parliament. But, in alluding to the qualifications which I conceive to be necessary in a Speaker, there is one which I wish particularly to notice. Whatever may be his talents and attainments, I consider it absolutely necessary that he should possess the confidence of the House. That confidence, no rank, no talents, no attainments can command, while we bow with ready deference to high integrity and lofty-minded independence. It is upon this principle—on the possession of general confidence, that the individual whom I propose, stands on unassailable ground. He has sought, and he has obtained, the confidence of the House; without which, all the efforts of his authority would be nugatory. It is, Sir, an honourable and perhaps a peculiar distinction of this country, that what is called "private character" is the best foundation for the maintenance of rank and authority; that character commanding the greatest distinction, and shedding lustre on the brightest talents. Now, Sir, if there be any office in the appointment to which it is peculiarly desirable that purity and excellence of private character should be attended to, it is that of Speaker of the House of Commons—an office, the powers of which are often exercised amidst the warmth of party feeling—exercised in the approbation of honourable actions, and the censure of base ones—exercised (it ought never to be forgotten) where the votes of the House are so nearly divided, that we intrust to the Speaker the right of giving force and validity to our resolutions—of imparting the whole weight of law to what would otherwise be merely waste-paper. When an honourable confidence is earned and obtained, we then give to the decisions of a Speaker, not a reluctant submission to their force, but a ready acquiescence in their justice. If, Sir, I am right—if I think correctly when I say, that the authority of station is much increased by that respect which we naturally pay to men distinguished by virtue as well as by talents, then I can recommend still more strongly the right hon. gentleman whom I have named; for without being guilty of the indecorum of raising the veil that conceals private life from public observation, I may appeal to every man who knows him, whether throughout his intercourse with mankind, he ever met with an individual of purer principles, of higher honour, of more spotless integrity of character? In times like these, when the acts of public men are not passed lightly over; when no very charitable judgment is commonly pronounced on their motives, his unblemished reputation has nobly stood the test of scrutiny; and he has not only escaped cen-

\* From October, 1809, to June, 1817, Mr. Manners Sutton filled the office of Judge-Advocate-General.

sure, but united all parties in his praise. I therefore move, Sir, "That the Right Hon. Charles Manners Sutton do take the Chair of this House as Speaker."

Lord Clive having seconded, and Mr. Barnett supported the motion, Mr. Manners was loudly called to the chair; to which he was conducted by Mr. Peel and Lord Clive. The hon. gentleman having briefly addressed the House, and taken his seat, Mr. Canning moved an adjournment; and the House immediately adjourned accordingly.

## IRISH GRAND JURY PRESENTMENTS BILL.

FEBRUARY 9, 1819.

Mr. Dawson having brought up a petition from the county of Londonderry, praying for the revision of the Act passed in the last session, respecting Grand Jury Presentments in Ireland, some discussion ensued; in the course of which,—

MR. PEEL said, he observed with regret the inattention and listlessness with which the House were looking upon a question so important to the interest and prosperity of Ireland. For his own part, he conceived that the affairs of Ireland, relatively situated as Ireland was towards us, and with the comparative minority of members which she sent to the British parliament, deserved to engage the serious consideration of the House whenever they came before it. He said, that not a single assizes had intervened before the advantages of the present system were clearly and distinctly seen; and he therefore trusted, that it would not be on slight or inconsiderate grounds that they would think of abandoning it. He wished to explain to the House a few of the objections to the old system, with which, most likely, many members, particularly those who had now for the first time come into parliament, were not well acquainted. They were greatly mistaken if they thought the powers of grand juries in Ireland did not exceed those of grand juries in England, or that in order to dispose of the money of the land-owners, the same formalities were necessary that were observed in this country. They were probably not aware, that grand juries in Ireland could dispose of the money of land-owners to an almost unlimited amount, by means of what were technically known by the name of presentments; they had in fact done so in many cases for roads, bridges, and various public works; so that when the direct taxes of Ireland did not exceed £4,000,000, the indirect taxes imposed by grand juries were scarcely less than one-fourth of that sum. This was an abuse that loudly called for a remedy; and it was the more necessary, when it was recollected, that the sums required by grand juries were demanded with scarcely any inquiry, upon the mere representation of two individuals. It was a fact, that sometimes so many applications of this kind were made to grand juries, that if their whole time at an assizes were devoted only to them, they could not give more than one minute and a half to each presentment. The sums ordered were accounted for in the most irregular manner, and frequently not at all: one of the parties making the presentment was called upon to make oath, and this was deemed sufficient, until he (Mr. Peel) in his official capacity, had entered into some investigation of the abuses and frauds practised, and found that in one instance, where an estimate of £19,000 for a public road had been laid before the grand jury, the expense had exceeded the estimate by £20,000, of which the grand jury had also directed the payment; and the surveyor had, without all warrant, made compensation to parties according to his own notions of the injury sustained, because he thought the jury summoned to assess the damages had not assigned a sufficient sum. In fact, there was no end to the abuses under the old system; and if the new law were not perfect, and he was far from saying that it was, at least it was a material improvement, that might be carried further upon subsequent examination of the subject. He hoped, at least, that the old system would not be recurred to, until it had been found that all attempts to remedy its defects were unavailing.

The petition was ordered to lie on the table, and to be printed.

## ROYAL ESTABLISHMENT AT WINDSOR.

FEBRUARY 22, 1819.

In a committee of the whole House for taking into consideration the report of the Select Committee on the Royal Establishments at Windsor, Lord Castlereagh stated the proceedings which he should propose to the committee to adopt, as the most convenient, under all the circumstances of the case. The first resolution proposed by the noble lord was, "That in lieu of the sum of £100,000 directed to be issued and paid by an Act made in the 52nd year of the reign of his present majesty, the annual sum of £50,000 shall be issued and paid out of the civil list revenues, and which shall be paid in like manner, and be applied to the same uses and purposes, as are directed by the said Act with respect to the said sum of £100,000."

Mr. Tierney opposed the resolution at great length, and in much detail, and proposed an amendment; namely, that after the words £50,000, it should be inserted as follows:—"That any surplus arising out of the revenues of the duchy of Lancaster, and the sum of £60,000 a year granted to the throne as a privy purse, according to the Act of the 52nd of the king, should (after payment of the sums already charged thereon) be applied to defray the expense attending the care of his majesty's royal person."

Mr. PERL observed, that he felt as any man ought, the disadvantage of immediately succeeding the eminently able individual who had just addressed the committee. He would not follow the right hon. gentleman into all the parts of his speech, embracing, as it did, observations on all the resolutions before the committee. He was anxious, however, to say a few words in reply; and he offered himself thus early to the notice of the committee, because he was conscious of his own inability to command attention, if he postponed the few observations which he had to make till its patience had been exhausted with the length of the debate. Notwithstanding the display of ingenuity made by the right hon. gentleman, notwithstanding the closeness with which he had discussed the subject, and the great knowledge he possessed on all such questions as the present, he still retained the opinion with which he came down to the House, namely, that the privy purse could not with propriety be applied to defray the expenses of the *custos* of the king's person. He was still of opinion that the proposition of the right hon. gentleman, so far as regarded its principle, implied an unreasonable and unjustifiable interference with a fund to which parliament ought not to resort: that, so far as regarded the particular case in which the principle was applied, and the use for which the money was to be taken, it was indelicate and ungenerous; and that as far as it involved a violation of private property, and of vested rights, it would authorize the greatest injustice, and lead to the greatest dangers, without being in the least redeemed by the sordid gain that might accrue from the paltry saving. The right hon. gentleman, in the course of his speech, had directed his sallies against ministers for measures unconnected with the present. Into such topics he would not follow him, but allow their defence to be made by others more competent to the undertaking. He would endeavour to discuss the question with moderation and calmness; and in replying to a speech where the right hon. gentleman had promised a spirit and a temper of discussion which he had not steadily maintained, he would attend to his argument, rather than endeavour to imitate his example. He was far from comparing himself with the right hon. gentleman for knowledge or talent; he was conscious of his own immense inferiority, and of his inability to contend with him, unless he derived strength from his cause. "*Infelix et impar congressus Achilli.*" But though thus unequal in power, he did not hesitate to enter the lists, and anticipated success in replying to the arguments of the right hon. gentleman. The right hon. gentleman had truly said, that for the purposes of this argument, it was necessary to define what was called the privy purse; but, in entering into a history of it, he had made statements on which a part of the fallacy of his reasoning depended. The act of the first of the king, which settled the civil list, had been stated by him, and truly, as making no allusion to any head of expense, or any fund called the privy purse. The Acts of the 39th and 40th of the king had, according to the right hon. gentleman, mentioned the privy purse, but had fixed it at no definite sum. "That



sum," said he (Mr. Tierney), "was not mentioned till the 51st of the king, or the year 1811." Now, in these statements there were several misstatements of facts. If it should be made appear that a distinct parliamentary grant were made and recognised before 1811, under the head of privy purse; if that grant was the same as now, namely, £60,000; and if, after the Act of 1811, parliament had again confirmed and determined it, he would ask, would not an interference with it be a violation of private property? Now he would only beg leave to remind the right hon. gentleman and the committee, that there was such an allowance before the Act of 1811; that between the 1st of the king or the year 1760, and the 51st or 1811, Mr. Burke's bill regulating the civil list had passed; and in that bill, which received the sanction of law in 1782, a head of expense, under the title of privy purse, was distinctly recognised. That bill directed that estimates should be made out of the different expenses with which the civil list was burthened, and in these estimates was included the sum of £60,000 for a privy purse. Nay more, this grant was distinctly admitted by parliament in the interval between the passing of the Act of 1782 and the year 1811. In that interval, the king had been subject to the same malady with which he was now afflicted; and a bill was introduced in the 29th of his reign, for the care and custody of his person, which had not indeed passed into a law before his happy recovery, but which had distinctly recognised a privy purse. He might refer to the resolutions brought forward by Mr. Pitt in the House of Commons, on which resolutions that bill was founded, as conclusive evidence on the subject. One of these resolutions was, that the power of the Regent appointed to administer the government, should not extend over the privy purse, or interfere with his majesty's private property, unless with the single exception of renewing leases. The same set of resolutions directed, that £60,000 should be given annually to the keeper of his majesty's privy purse, to be applied to the uses of his majesty. It stated the heads of some of the charges upon it: the sum of £12,000 was directed to be given as wages or pensions to the old servants of the king, who were the objects of his bounty; other sums were destined for charitable purposes; and the surplus was ordered to be handed over to commissioners, to be invested in the public funds for the use of his majesty. Thus, before the year 1811, a privy purse was distinctly recognised by the legislature, and the act of that year did nothing but repeal the provisions of former grants. But the right hon. gentleman had argued, that in the Act of the 52nd of the king, parliament had interfered with that fund, and consequently had not treated it as private property, which it would be improper to interfere with on the present occasion. He grounded this argument on the fact of the act, which not only directed the pensions and charities with which his majesty himself had burthened the fund, to be paid out of it, but had ordered that the fees of physicians and all the medical expenses should be defrayed from the same source. The right hon. gentleman had quoted the words of the Act, which stated that "it was reasonable" the physicians should so be paid; and if it were reasonable that they should be so paid, the right hon. gentleman asked why the *custos* ought not to be paid in the same manner. He would tell the right hon. gentleman that there were two reasons why the medical attendants were paid out of the privy purse rather than out of any other fund, and those reasons did not apply to the *custos*. In the first place, his majesty was always able, and would always have been willing, to pay his medical attendants out of his private property. Parliament, in this case, merely acted as the interpreter of his majesty's wishes. And why did not the Act of 1811 order the physicians to be paid out of the privy purse, as the Act of 1812 did? The reason was plain, on this supposition—at the first period mentioned, hopes were entertained of his majesty's recovery, and the remuneration of his physicians for their attendance on him was left to himself; but in 1812, when the unrestricted regency commenced, the hopes of his recovery were very much diminished; and accordingly, by the act of that year, the privy purse was permanently burthened with the expense of physicians. Thus could it be explained why parliament interfered in 1812 with the privy purse, for the payment of the king's medical attendants, without authorizing a similar interference now, for defraying the expenses of the *custos*. If the principle were the same in both cases, why did not parliament, in 1812, charge the expenses of the *custos* on the same fund? Why did not the right hon. gentleman come forward

with his proposition then? Why did he not urge then the arguments which the House had heard to-night? Why did not he, and the friends with whom he acted, urge the House then to grant the £10,000 to the queen out of the privy purse? They might not have succeeded in persuading parliament to adopt their views then, any more than he hoped they would do now; but they might, at least, have recorded their opinions on the Journals of the House. But what was the course which the gentlemen in opposition then pursued? It would be recollected that Mr. Perceval then proposed a committee to inquire into the civil list, and particularly the disposal of the privy purse. In that committee were included the names of two gentlemen who could never be mentioned in that House without respect; one of them a man of striking eloquence, of great talents, and long distinguished for his opposition to his majesty's ministers; but they refused to act. Mr. Sheridan and Mr. Adam considered the privy purse as so private, so sacred, and so inviolable a fund, that they could not induce themselves to inquire into it. [Loud cheers.] "If," said Mr. Peel, "what I have heard from the other side be meant as a cheer of derision at the name of Mr. Sheridan, I must say that I could not expect such an expression towards an individual who was one of the most able supporters the party from which it proceeded ever had the honour to possess, while he was, by universal confession, one of the greatest ornaments of whom that House and the British empire ever had reason to be proud." Why did the members of opposition, then, not support the necessity of inquiry against the two right hon. gentlemen whom he had mentioned? Why did they then not come forward and expose the errors of their friends? Why did they not boldly advance, and declare, that "so far from considering the privy purse as a sacred fund, clothed with the rights of private property, we shall institute the strictest inquiry into its past disposal, and take the utmost freedom with its future destination: not only the physicians should be paid out of it, but 'it is reasonable' that the expenses of the *custos* also should be charged upon it." But to show that the *custos* ought not to be paid out of it, though the physicians might, let the House consider the nature of the office. Was it not one of great dignity and authority? Why, otherwise, appoint a council to the *custos*, of the highest characters in the country? Nay, of so much importance was that council considered, that it was proposed, in opposition to Mr. Pitt, when the first regency bill was introduced, that the royal dukes should be nominated members of it. Did not this take it out of the character of one of those offices which could be supported by the private funds of his majesty, and make it one of importance in the state? If, then, when parties ran high, it was never proposed to interfere with the privy purse, for a purpose like that now proposed—if the £60,000 was then a sum considered as peculiarly appropriated to his majesty for his private use—if after he recovered from his former malady, he saw that it had been held sacred, and had been protected from violation, had not his majesty a right to expect that it would always be so; and that he was at full liberty to dispose of it as he pleased, without the possibility of alteration being made in any arrangements that he might sanction with regard to it? And would it be fair, would it be just, to interfere now, to disappoint expectations so reasonably formed, or to alter dispositions made on such prospects of permanency? The right hon. gentleman had gone into an argument, and stated a distinction to which his noble friend had not alluded. The right hon. gentleman had stated that the funds were of two kinds; £60,000 accruing from the grant of parliament, and £10,000 from the revenue of the duchy of Lancaster. The amount was thus £70,000; but what were the burdens with which it was charged? The payment of medical attendance was £28,000; the sums given in pensions, salaries, charities, and under other heads, by his majesty, amounted to £30,000; so that here £58,000, or nearly the whole of the grant of parliament (£60,000) was disposed of. If these charges absorbed the whole of the £60,000 granted by parliament, except £2,000, whence were the £10,000 to the *custos* to come? Were his allowances to be imposed upon the revenue of the duchy of Lancaster? But these revenues were not a parliamentary grant; they did not depend upon parliament at all: they had been in the power and at the disposal of the Crown ever since the reign of Edward IV. They were as clearly private property as the estate of any gentleman was his private property. If, then, that House had always protected private property—if it had always supported vested rights—if even when the grant had taken place in times of trouble and disturbance, it guarded it from viola-

tion on account of its prescriptive duration, would it not reject a proposition like that of the right hon. gentleman, as destructive of the wise and just principles on which it had formerly acted? Would it not do so with the more alacrity, when it considered that the privy purse was formerly regarded as so sacred in the most stormy periods of party warfare, that it had never before been attempted to be violated by those most in the habit of opposing ministers? In the first chapter of the first of the king, the Act was found regulating the civil list, intitled "An Act for the Support of his Majesty's Household, and of the Honour and Dignity of his Crown." The preamble to that Act, which was expressed in beautiful and affecting language, stated the feelings with which his majesty's faithful Commons of those days regarded the provisions proper to be made for their sovereign, and the light in which they viewed his private property. After enumerating certain duties granted for the support of his majesty's household, and the dignity of the Crown, it added, "and whereas your majesty has been graciously pleased to signify your consent to your faithful Commons in parliament assembled, that whenever they should enter upon the consideration of making provision for your household, and the honour and dignity of your Crown, such disposition might be made of your majesty's interest in the hereditary revenues of the Crown, as might best conduce to the utility and satisfaction of the public, thereby giving the most substantial proof of your tender concern for the welfare of your people, and that the same is superior in your royal breast to all other considerations: we your majesty's most dutiful and loyal subjects, the Commons of Great Britain, in parliament assembled, with hearts full of the warmest duty and gratitude, are desirous that a certain and competent revenue for defraying the expenses of your majesty's civil government, and supporting the dignity of the Crown of Great Britain during your life (which God long preserve), may be settled on your majesty, and that your majesty may be enabled to make an honourable provision for the royal family, as a testimony of unfeigned affection to your sacred person, by whose happy accession to the throne your majesty's subjects have the strongest assurance that the religion, laws, and liberties of this realm will be continued; and that they, your said subjects, and their posterity, may, through the Divine goodness, enjoy every blessing under your majesty's auspicious reign, have, therefore, freely and unanimously resolved to grant unto you our most gracious sovereign lord King George the Third, a certain revenue, payable, &c." This was a part of the preamble of the first Act passed in his majesty's reign; and should the present Act be the last, God forbid that, by adopting the proposition of the right hon. gentleman, its preamble should form a contrast to the loyal and affectionate preamble which he had quoted, and should run thus: "Whereas, during your majesty's long reign, we your majesty's faithful Commons have enjoyed, under your majesty, the protection of the religion, laws, and liberties of this realm; and whereas, by several Acts, passed during the reign of your majesty, your faithful Commons granted certain revenues for the support of your civil establishment, part of which it has resumed; and whereas, out of these sums so granted, a little still remains at the disposal of your majesty; we your majesty's faithful Commons, in the 59th year of your reign, approach your majesty's sacred person, begging leave to appropriate that said remaining revenue for other purposes than those for which it was originally granted." Would the House of Commons give ground for a preamble like this? Would they sanction a violation of private property to support a public office? Would they offer to his majesty's royal son, a grant from a fund which his Royal Highness thought it indelicate to touch, and which he declared he would not receive?

The amendment was negatived, on a division, by 261 against 186; majority, 95.

## RESUMPTION OF CASH PAYMENTS BY THE BANK.

APRIL 5, 1819.

MR. PEEL, after presenting the first report of the Secret Committee, on the expediency of the Bank resuming Cash Payments, said, that in moving for leave to bring in a Bill, founded on the Report which had been read, he was relieved by that Report from the necessity of offering more than one or two observations; both because

they would be premature, and because the Committee itself had alleged sufficient grounds for the proposition. The object of the bill for which he moved, would be to restrain the issue of sovereigns for fractional payments under £5, in consequence of notices issued in the course of 1816-17, in which they undertook to pay in specie all notes dated previously to the 1st of January, 1817. In consequence of these notices issued by the Bank with the best intentions, the treasure of that body had suffered a very considerable drain. Accounts had been presented to the House, of the issues of sovereigns between the 1st January, 1816, and the 1st January of the present year, and in that time it appeared, that £4,600,000 had been issued from the Bank. Subsequently to the 1st of January last, it also appeared that £700,000 more had been issued; so that the whole that had been issued by the Bank since January, 1816, amounted to £5,200,000. The issue of that treasure had not been attended with any good to the nation; and he thought, indeed, it might have foreseen, that unless this issue had been accompanied by a simultaneous reduction of the number of bank-notes, the gold would find its way to those places where there was a greater demand for it. There was little doubt at present as to the place of its destination; for by a report of the minister of finance in France, it appeared, that within the first six months of the last year, 126 millions of francs had been coined at the French mint, three-fourths of which, it was understood, had been derived from the gold coin of this realm. This sum of 126 millions of francs, at the par of exchange, was about five millions sterling, three-fourths of which had been drawn from the Bank of England.—The object of the bill would be, to restrain, till the expiration of the present session of parliament, issues of cash in the manner he had described. The delay would enable the House to consider the subject, and to take the measures which the committee might hereafter suggest. The reasons for this measure lay within a short compass. Whenever the time came for removing the restriction, a large sum in cash would be necessary; that sum considerably exceeded the sum which the Bank had at present in its possession; and as it was manifest, that any diminution of this sum would not be productive of any advantage to the country by its immediate effects, so it was also plain, that this diminution of its treasure would make the Bank more unable to return to cash payments, and would therefore tend to postpone the period for the termination of the restriction. It was for these reasons, and in the fullest confidence that it would tend to hasten the period of cash payments, that he should propose the measure. The Committee had stated, in their Report, that they confidently expected, that after the recess they might be able to propose a plan for the speedy removal of the restriction on cash payments: these expectations, he trusted, were well founded; and he could add to this, that he was equally confident, that the restoration of a standard of value in this country, as invariable as the nature of things admitted of, would not be accompanied by those inconveniences which some persons had apprehended. He therefore moved “for leave to bring in a Bill to restrain the Governor and Company of the Bank of England from making Payments in Cash, under certain Notices given by them for that purpose.”—Mr. PEEL then added, as it was of the highest utility that the measure should pass as expeditiously as possible, he hoped the House would allow it to go through its several stages that evening.

Leave was given to bring in the Bill; which was brought in accordingly, read a first and second time, committed, and reported; and then read a third time and passed.

## RIGHTS OF THE PROTESTANT CLERGY.

MAY 8, 1819.

Some petitions, respecting the claims of the Roman Catholics having been presented, Mr. Western expressed a doubt of the constitutional propriety of the clergy coming forward in a body against a general right, to petition against the admission of those claims. On which,—

Mr. PEEL said, it was quite impossible for him to hear such doctrine, without entering his most solemn protest against it. Was it possible for any man in that House to support the doctrine of the hon. member. that it was unconstitutional for the

clergy to approach that House as petitioners? Where did the hon. member learn this doctrine? In what books had he read it? He was surprised to hear such sentiments from that side of the House (though he did not mean to assume that any one but the hon. member held such opinions), which on every occasion professed to wish for the utmost freedom of discussion. How could any man say that the clergy had not a right to petition that House? What! was it not enough that they were excluded from a seat in it? Were they now to be excluded from approaching it with petitions couched in the most respectful terms? From the warmest friends of the Roman Catholics he had never before heard the right of the clergy to come forward denied. What, he would ask, was to preclude them from coming forward as a body? Did not the House every day receive petitions from individuals in their corporate character? What, he could wish to know, was there in the law or the constitution of the country to preclude the clergy from coming forward in whatever way they pleased?

### RESUMPTION OF CASH PAYMENTS.

MAY 24, 1819.

The order of the day having been read for taking into consideration the reports of the Secret Committee on the Resumption of Cash payments,—

Mr. Peel rose and said, that in this instance he was placed in such a situation as peculiarly to justify his appeal to the House for a patient hearing; for, as chairman of the committee appointed to investigate the affairs of the Bank, he was about to perform a great and difficult public duty, in calling its attention to a subject of as much importance as ever occupied the consideration of that House. This subject was, indeed, of universal interest, comprehending as it did the various concerns of an important corporate body, while it referred to the most minute regulations and the most humble transactions in the country. Important as it was, it involved principles so abstruse in their nature, and rested on details so complex and uninviting, as to be but ill calculated for fixing the minds of a popular assembly. It had likewise been exhausted by the great abilities already applied to it on other occasions and in other places; and, under these circumstances, to add either novelty or attractiveness to the question would be, on his part, a hopeless undertaking. The committee of which he had the honour to be chairman, had been engaged for a considerable time in examining all the principles and details connected with this abstract and abstruse question; and if, in bringing forward the resolutions which that committee thought proper to adopt, he should be betrayed into any erroneous observations, he begged that such error might be regarded as his own. With this delicate question he felt the impropriety of mixing any reference to party feelings or transactions. He could not, indeed, make any such reference without proving himself an unworthy organ of the committee from which the resolutions emanated; for in that committee there was no appearance whatever of mere party discussion. On the contrary, all the members of it devoted themselves most sedulously and patiently to the subject committed to their investigation, without turning aside to any point likely to interfere with a correct and candid decision; and made the public interest the sole object of their exertions and inquiries. It was after such an investigation that the resolutions which he had to submit to the house were adopted unanimously by the committee, with the exception only of the right hon. gentleman on the opposite side. It was right, however, to observe, that a considerable diversity of opinion had existed as to the principles by which our circulation ought to be permanently governed; and that several of the members of this committee who agreed in the main point, arrived at the same conclusion by different courses of reasoning. This, however, only tended to diminish the anxiety which would, perhaps, have otherwise pressed upon him, because it would now be understood that he was delivering merely his own sentiments, and that for whatever errors he might fall into, he was alone responsible. In stating the grounds upon which his opinion was formed, he repeated the expression of his hope that he should be favoured with a patient hearing, which was the more necessary, considering the peculiar dryness of the subject, and that nothing was less calculated to excite a lively

attention, or to produce an animated discussion. But his mind was relieved from considerable anxiety in the difficult and laborious task which he was induced to undertake, by the concurrent opinion of the gentlemen with whom he acted in committee, and the great respectability of the evidence upon which that opinion was founded. He was free to say, that, in consequence of that evidence, and the discussions upon it, his opinion with regard to this question had undergone a material change. He was ready to avow, without shame or remorse, that he went into the committee with a very different opinion from that which he at present entertained; for his views of the subject were most materially different when he voted against the resolutions brought forward in 1811 by Mr. Horner, as the chairman of the bullion committee. Having gone into the inquiry determined to dismiss all former impressions that he might have received, and to obliterate from his memory the vote which he had given some years since, when the same question was discussed, he had resolved to apply to it his undivided and unprejudiced attention, and adopt every inference that authentic information or mature reflection should offer to his mind; and he had no hesitation in stating, that, although he should probably even now vote, if it were again brought before the House, in opposition to the practical measure then recommended, he now with very little modification concurred in the principles laid down in the fourteen first resolutions, submitted to the House by that very able and much lamented individual. He conceived them to represent the true nature and laws of our monetary system. It was without shame or repentance he thus bore testimony to the superior sagacity of one with whose views he agreed on this point, though he differed so much from him on many other great political questions; but that distinguished statesman's opinions on this subject were such as must render his character still more respectable, and his loss more sensibly felt by the community at large. After this preface he had now to proceed to the question with regard to which the House was called upon to decide—namely, whether it were advisable that the Bank should at the earliest possible period resume its payments in cash? After the repeated declarations of parliament, that it was advisable that the Bank should at the earliest possible period resume cash payments, he had hoped that the only points necessary for them to proceed on that night, would be to fix on the period when the restriction should cease, and to adopt the most feasible mode of carrying their intention into effect. But it was impossible for him to conceal from himself that new and extraordinary opinions had been promulgated, which, if the House were prepared to act on them, must inevitably lead to an indefinite suspension of cash payments. When he recollected that the necessity of a resumption of cash payments was recognised in the preamble of different acts of parliament—when he knew that no one objection was formerly made to the principle of doing so, he confessed he was not exactly prepared to hear that a principle the very reverse would be contended for. But, judging from certain publications, by which he feared the public mind was influenced, it did appear that the return to cash payments was viewed in some quarters with alarm; and he came to this conclusion, that, if weight and authority were given to the principles and sentiments contained in those works, the House must be prepared to legislate for an indefinite suspension. It was, therefore, absolutely necessary in the outset that parliament should make up its mind on this point, whether a metallic standard of value should or should not be resorted to? On this account it was, that, in the second resolution, he had called on the house to affirm the necessity for the adoption of a metallic standard. The House must now make up its mind upon the question whether the old metallic standard should be restored or not; and, after an experience of 22 years, it was in his mind impossible that any considerate man should hesitate upon that question, or upon the expediency of returning to the ancient system of fixing upon some standard of value. Upon the necessity of establishing such a standard, he could appeal to the opinion of all writers upon political economy, and to the practice of every civilized country, as well as to that of our own antecedent to the year 1797. All the witnesses, indeed, examined before the committee, strongly recommended the establishment of this standard, one witness alone excepted (Mr. Smith, a very respectable man), who was an advocate for the indefinite suspension of cash payments. But when this witness was asked, whether the indefinite suspension of cash payments were to exist without any standard of value, he answered, "No—the pound should be the standard." He was required to define what he meant by the pound. His answer was,

"I find it difficult to explain it, but every gentleman in England knows it." The committee repeated the question, and Mr. Smith answered, "It is something that has existed without variation in this country for eight hundred years—three hundred years before the introduction of gold." This was, indeed, the only definition he could give. But, turning from this attempt at definition, and the theory of Adam Smith, it would be recollected that Mr. Locke, after elucidating the subject of identity, dispelling all the erroneous views with respect to innate ideas, and endeavouring to penetrate even the properties of eternity, could not, with all his power of reasoning and subtlety of disquisition, succeed in defining what he meant by an abstract pound. On that point, indeed, this distinguished man was evidently misled himself, and, of course, misled his readers. Sir Isaac Newton, retiring from the sublime studies in which he chiefly passed his life—from the contemplation of the heavenly bodies—from an investigation of the laws by which their motions were guided—entered on the examination of this subject; but that great man came back at last to the old, the vulgar doctrine, as it was called by some, that the true standard of value consisted in a definite quantity of gold bullion. Every sound writer on the subject came to the same conclusion, that a certain weight of gold bullion, with an impression on it, denoting it to be of that certain weight, and of a certain fineness, constituted the only true, intelligible, and adequate standard of value; and to that standard the country must return, or the difficulties of our situation would be aggravated as we proceeded. The House would, he hoped, look at our circumstances in 1792, and contrast them with our present condition; for it would be absurd and useless not to look our dangers and difficulties in the face, or to attempt to disguise them from ourselves, while they were known to all foreigners. Every Jewish pedler in Europe, indeed, was aware of our actual circumstances, and of the means of deriving profit from them. It ought, therefore, to be felt that the difficulties of our situation could not be diminished by our declining to acknowledge their existence; and it was notorious that the restoration of a metallic standard of value was essential to our relief from those difficulties. The issues of the Bank of England were the foundation on which was raised the superstructure of the country banks, and those issues were made either in the purchase of gold, the discount of mercantile bills, or the purchase of government securities. A distinction had been drawn between the issues of the Bank and the paper issued by foreign governments, and it might be of some importance to examine this distinction. By reference to the accounts it would be seen, that in the year 1815 the advances of the Bank to government amounted to £35,000,000, and they now amounted to £20,000,000, the amount of their notes in circulation being about £25,000,000. Now, it was well known that these advances were not made on the security of any tax or duties already imposed, but in anticipation of future revenue. No provision was yet made for payment of the exchequer bills which the Bank held in acknowledgement of the debt created by these advances. How, then, could it be said that the issues of the Bank were regulated by the demands and necessities of the mercantile world? How could they distinguish between such advances to government, and a paper circulation directly emanating from it? There was, indeed, this difference between them—that if the notes were issued immediately from the government, instead of immediately through them, an interest of 3½ per cent. would be saved to the country. But again it was contended, that it was very different from a forced paper circulation, and the validity of this distinction might also deserve a little inquiry. Was it not received in all ordinary payments, and had he who objected to receive it any remedy but to wait till the resumption of cash payments? But it was said the Bank was safe, their affairs were prosperous, the utmost confidence prevailed, their issues were made upon the best security, and the public faith was pledged to them. This was perfectly true, and clearly distinguished the Bank of England from all other establishments of the like nature. But did it follow that, because the Bank was solvent, there could be no over issue of its paper? If solvency alone were a sufficient proof that there was no excess of circulation, the theory of Mr. Law was just, and the land, as well as the funds, might be safely converted into a circulating medium. There was, in fact, no test of excess or deficiency, but a comparison with the price of gold. This was not indicated by theory alone; the last few years had afforded abundant experience to support and confirm it. The circumstances which had taken place since the year 1816, were such as must fill every man who

carefully considered them with a desire to put an end to the present system. In the year 1816 our commerce was in full activity, a great impulse had been given, speculation was at its height, and the exports were great beyond example. But in 1816 and 1817 came the natural result of these overstrained hopes and exertions. A languor proportionate to the degree of excitation succeeded. An immense accumulation of property had taken place, for which there was no demand; prices fell, the country banks stopped their issues, and thousands were in a moment stricken to the ground by a blow which they could not foresee, and against which it was impossible to provide. The amount of Bank of England notes in circulation previously to 1814, was about £28,000,000; in 1815, it was about £25,000,000; in 1816, 26,000,000; and at the end of 1817, £29,000,000, together with a large issue of gold. At that period trade revived, and importations were made from all parts of the world. Many were deceived by a nominal profit, which, in truth, resolved itself into an excess of currency, and the same scene of distress and embarrassment was renewed. He might refer for the truth of this melancholy statement to a part of the evidence to which his hon. friend near him could, he apprehended, entertain no objection. He was sorry to find that his hon. friend's attention was not quite so lively as he had reason to expect. The evidence to which he was referring was that of Mr. Gladstone, who stated, that the value of grain and provisions imported at Liverpool, from Ireland, in 1817, was £1,200,000; and in the last year, £1,950,000. He added, that in the year 1816, 270,000 bales of cotton were imported at the same place; in 1817, 350,000; and in the last year, 457,000. The consequence of this excess above the demand was a fall in the price of cotton of not less than 40 per cent. The same gentleman declared, that in 1818 there were in Liverpool goods to the value of £3,000,000 above what were deposited there in the preceding year. All this overtrading was productive of no advantage; but, as respected the labouring classes, it was attended with incalculable mischief. The unequal and fluctuating demands for labour deranged all the relations of humble life. At one period wages were too high—at another there was no employment. The rapidity with which these changes sometimes followed each other defeated all private arrangements, discouraged the steady accumulation of savings, and frequently overwhelmed the labourer with want and misery. He felt himself bound to speak out boldly and decisively upon the subject; for it was impossible to listen to the descriptions recently given by the hon. members for Coventry and Carlisle, of what the situation of the labouring poor was in many parts of the country, and not suspect that, whatever might appear by the returns from the Custom-house, there was some unsoundness in our present system. It was idle, while such distress existed, to speak of national prosperity. The amount of the poor's-rate alone was, indeed, sufficient to negative any such statement. That the excess of commercial speculation, which led to such evils, was the consequence of an over issue of paper currency, was a fact not to be disputed. A check upon that issue was the only cure that could be applied, and it must be applied by the establishment of a metallic standard of value; for the issue of paper had not, like the wise provisions of Providence, or the prudent regulations of man, any counteracting principle within itself. It went on as long as the excitation lasted, but was sure in its relapse to scatter distress and ruin. Private bankers, at first anxious to accommodate, no sooner perceived a system of declining credit, than, in the eagerness to provide for their own security, they refused further aid, and increased the want of confidence. This was one of the defects inherent in the system he was describing, and the question now was, whether that system should be continued, because they were afraid to face the difficulties of abandoning it. But if its continuance should be once sanctioned by the House, let it not be imagined that they ought to measure its future evils by its past. Hitherto there had always been some check—the admonitions of parliament had been respected; but if once a hope should be held out that the suspension might last for an indefinite period—that the amount of the circulating medium was to be left to the discretion of the Bank directors, uncontrolled by any consideration but that of their own profits, it would become impossible to estimate the extent of the mischief that might ensue. The committee had felt the necessity of guarding against so fearful a danger, and of inducing an impression on the public mind that the system would be brought to a termination. They felt that a mere declaration on this subject would be useless, and that mercantile transactions would continue in their



present course, instead of being adapted to a return of the ancient standard. It would answer no good purpose to promise a resumption of cash payments, without fixing upon some definite period; for such a promise had been already made no less than five times, and every time had proved delusive. The country, then, to be satisfied, must see that a serious resolution existed on this subject. Some decisive measure must be adopted. The events of the last few days, with respect to the public funds, demonstrated the necessity of decision. Four alternatives had presented themselves for the consideration of the committee. The first was, to recommend the postponement of the resumption till after July next, accompanied by a legislative declaration with respect to some future definite period. But if they had been contented to adopt that proceeding, he would put it to the House, whether they would have appeared to the country to be in earnest. What had appeared since the report of the committee was published, clearly proved they would not. It was necessary for them to "screw their courage to the sticking place," in order to convince the world that they had set seriously about the work. On five different occasions parliament had declared, that cash payments ought to be resumed as soon as possible; and the public now doubted the sincerity of those declarations. A few nights ago his right hon. friend, the Chancellor of the Exchequer, was taunted on account of the resolutions proposed by him in 1811. But in those very resolutions it was distinctly affirmed that, though it was not then convenient to proceed to cash payments, yet they ought to be resorted to as speedily as possible. Those who voted for the resolutions recognised this principle decidedly. In the years 1814, 1815, and 1816, the resumption of cash payments was regularly postponed; and now, in 1819, it was proposed to continue the restriction in a modified form, until 1821. Hence it was necessary that they should do something more than merely re-state their opinion that cash payments ought to be resumed. Another alternative, which he was ready to admit he was at first inclined to favour, was—that the legislature should fix a definite period, and make some declaration of principle that might be an instruction to the Bank. But, on consideration, it was evident that this would still leave it to the Bank to act upon that declaration of principle as it should think fit; and if they controverted the principle, as they had done, it was not likely that their observance of the declaration would be very strict. Besides, it would be a division of responsibility most unfair to that body, to give to them a discretion as to a plan which they themselves conceived was neither founded in truth nor sanctioned by experience. The resolution of the court of directors of the 25th of March placed this point in a clear light. The committee deemed it necessary to ask the Bank for an answer to the two following questions:—

To what farther period, in the opinion of the Bank, ought the restriction on cash payments to be continued?

Have the Bank any suggestions to offer with respect to any assistance that can be afforded to the Bank, by legislative enactment or otherwise, for facilitating the resumption of cash-payments?

The Bank deliberated upon those questions—and in their answer the following passage was to be found:—

That this court cannot refrain from adverting to an opinion strongly insisted on by some, that the Bank has only to reduce its issues to obtain a favourable turn in the exchanges, and a consequent influx of the precious metals: the court conceives it to be its duty to declare, that it is unable to discover any solid foundation for such a sentiment.

He believed that this was the conscientious feeling of the Bank; and he only mentioned the circumstance to show the impolicy of asking a body to act on a principle which they thought untenable. The third alternative was, to prescribe such a limitation of the issues of Bank notes as would secure the power of the Bank over the foreign exchanges. He, for one, confessed that this always appeared to him to be a very unwise position—and, for this reason, that it depended so much on circumstances when to say there was an excess or not of circulation. There were occasions when what was called a run on the Bank might be arrested in its injurious effects by an increase of the issues. There were other occasions when such a state of things demanded a curtailment. In the year 1797, when a run was made on the Bank, but when the exchanges were favourable and the price of gold had not risen, it was proved that an extension of issues might perhaps, by restoring confidence,

have rendered the original restriction unnecessary; and prevented the evil results of the existing panic. On the other hand, if the run was the effect of unfavourable exchanges and the consequent rise in the price of gold, the alarm must be met by a reduction of the issues. It was, therefore, impossible to prescribe any specific limitation of issues to be brought into operation at any period, how remote soever. The quantity of circulation, which was demanded in a time of confidence, varied so materially from the amount which a period of despondency required, that the house must feel the absolute incapability of fixing on any circumscribed amount. It was impossible to advert to the evidence taken before the committees without being impressed with that conviction. The fourth alternative that remained to the committee was that which had been adopted, and which was disclosed in the resolutions that he had the honour to lay on the table of that House. It proceeded on the principle that the Bank should regulate its issues by the price of gold; the same principle, be it recollected, on which the Bank of England had uniformly acted, previously to the restrictions imposed upon it in 1797. The House would direct its attention to the state of things under which the committee commenced their labours. They found the Bank in the act of paying a certain description of its notes in cash—with the amount of treasure in its possession considerably lowered. Gold, which they were bound to give in payment of their notes at the rate of £3 17s. 10½d. was increased to £4 1s.—The Bank was in advance to government to a considerable amount: which advance could not be immediately repaid, without producing material disadvantages to the trade and manufactures of the country. Under those circumstances, therefore, the Committee conceived it expedient to postpone, to a period more remote than he believed any man when the question was first introduced had at all contemplated, the return to cash payments according to the ancient standard. That period was fixed at four years from the present time. But at the same time that they deemed such a postponement, under existing circumstances, necessary, they felt it also their duty to provide that such measures should in the interval be taken by the Bank, as would secure them from farther disappointment, and convince the public that they were in earnest. It was unnecessary for him to enter particularly into the details of those resolutions—they were in the possession of every member of that House, and had, no doubt, been fully considered. As he before stated, those resolutions declared the necessity of the Bank's conforming its issues to the prices of gold. It was true, that they required of the Bank to be prepared for the payment of its notes at the rate of the Mint price, on the expiration of two years, but under modifications which would render necessary a less amount of treasure to be disbursed by the bank, than if the restriction were completely removed at that period. The demand for treasure might be considered to consist of what was wanting to the circulation of the country; of what individuals, from motives of caprice or curiosity, might require, or of what speculators might demand with a view of making a profit by the exportation. It was proposed then to secure the Bank for that period from any other description of demand, except that which might be made upon it for the purposes of exportation. Taking for granted that the whole of the proposed plan was fully understood by every gentleman in the House, he should not go more at length into its details, but next proceed to a consideration of the objections that were raised against it. As a part of the plan and preliminary to the resumption of cash payments, the committee recommended that a portion of the advances of the Bank to the government be repaid. That recommendation had been made the source of a general alarm—of an alarm which he could not but consider wholly devoid of any reasonable foundation. It had been said that, if the ten millions which had been advanced by the Bank to government were forthwith repaid, an abstraction to that amount from the circulating medium must be fraught with injury to the trade and manufactures of the country. How such an inference could be formed, or such an apprehension gain ground, he was at a loss to understand. It certainly was not in the remotest degree justified by the suggestions of the committee. What they recommended was, a gradual repayment, and not, as had been stated, an immediate and complete discharge of the advances. He must however say, that the amount of those advances required by the Bank to be repaid was much greater than had been expected. He must own he did not think a repayment to that amount necessary, the whole amount necessary in order to enable the Bank to proceed on the new

system in 1820. The committee, however, recommended it, because the Bank required it. They wished no obstacle to stand in the way of a resumption of a metallic standard, and agreed in the recommendation, as the Bank insisted upon its necessity. At the time of making their report, therefore, the committee, though not feeling the necessity of a repayment to the amount of ten millions, complied with the demand of the Bank, and recommended as a preliminary, that such a sum should be gradually repaid. On other grounds, he confessed he now felt that it was expedient that a considerable portion of those advances should be repaid. It was impossible to revert to the nature of the communication of the Bank, under date the 20th of May, and which was on the table of that House, without feeling that the moment has arrived, when the nature of the relations existing between the government and the Bank should be changed. Parliament was bound, after such a statement, not to lose a single hour, without recurring to those means which would have the effect of limiting the directors of the Bank to those considerations which originally embraced the sphere of their duties. One paragraph of that communication he begged leave to read.

"Under these impressions the directors of the Bank think it right to observe to his Majesty's ministers, that being engaged to pay on demand their notes in statutable coin, at the Mint price of £3 17s. 10½d. per ounce, they ought to be the last persons who should object to any measure calculated to effect that end; but as it is incumbent on them to consider the effect of any measure to be adopted, as operating on the general issue of their notes, by which all the private banks are regulated, and of which the whole currency, exclusive of the notes of private bankers, is composed, they feel themselves obliged, by the new situation in which they have been placed by the Restriction Act of 1797, to bear in mind not less their duties to the establishment over which they preside, than their duties to the community at large, whose interests in a pecuniary and commercial relation have, in a great degree, been confided to their discretion."

In reading that paragraph he preferred no complaint—he disclaimed any imputation against the Bank, but he dwelt upon it, because it contained a melancholy truth, and because it naturally brought home to the feelings of that House the knowledge of the situation in which, from their own proceedings, they were placed. When he reflected on the great object to which, at the era of the Revolution, the Bank of England was subservient, he could not think of such an institution without feelings of the sincerest acknowledgment. For the directors individually it was impossible for him to entertain anything but great respect; but they, as a public body, must not be surprised to have their official conduct questioned, and that the House of Commons should at least doubt whether that was the institution, to the discretion of whose directors were or ought to be confided the pecuniary and commercial interests of the British community. Whatever were their opinions, it was now the proper moment to relieve them from the duty of attending to such concerns. The fault was not in the Bank, but in themselves. It was the result of the course that had been followed. That House had too long transferred its powers. On them devolved the duty to attend to the pecuniary and commercial interests of the country. In place, therefore, of casting any blame upon the Bank, let that House re-trace its steps, and by efficient exertions re-assume its duties, and absolve the Bank from so incompatible an obligation. Let it recover the authority which it had so long abdicated. Reverting to the repayment of the ten millions to the Bank, he could not conceive that such an amount of repayment was necessary, unless the Bank persevered in demanding it. But supposing that that repayment were to be made to its fullest extent, what might be considered its probable consequences? Supposing that for the next two years those advances were to be gradually discharged, at the rate of 4 or £500,000 monthly, what could prevent the Bank from meeting its obligations in February, 1820, at the market price of the present day? He meant of the day when the report was made; for it was now somewhat lower. Why should such a gradual repayment lead to the contraction of the issues of the Bank? Might not, of the half million, one half be expended in the purchase of bullion, and the other half in the extension of its issues? He could see no necessity for the Bank being obliged to contract them. He implored the House not to be led away by any clamour that might be excited on that head. Let any man read the evidence in the

Appendix to the Report with diligence, and he must be satisfied that no such effects would necessarily follow. He would go farther, and endeavour to show that the result of the resolutions which he should propose would be found consistent with an increase of the issues of the Bank. It was said by those who disapproved of the proposed plan, that the Bank must contract their issues, if compelled to regulate them by the price of gold. If that argument had force, it went farther perhaps than its advocates wished. It was an argument against resuming cash payments at all; for if it could be considered an argument against a regulation by the market price of £4 1s. it was equally an argument against a regulation by the Mint price of £3 17s. 10 $\frac{1}{2}$ d. The mere obligation of the Bank to attend to this regulation of their issues when the payment of their notes was to be made in bars or ingots (let them be called by which name the House pleased) made no difference. Let the House remember what the Bank were enabled to do when they were compelled to pay in specie. From 1774 to 1797, they did that, to which now the objection was made—during that period, they conformed their issues to the price of gold; and he challenged any man to produce an instance, during that period, when the price of gold exceeded £3 17s. 6d.—Thus, as long as the Bank conformed to the practice of thus regulating their issues, they found no difficulty, and the price of gold never increased. At that period, the holder of Bank notes, say to the amount of £260, had a right to demand of the Bank five pounds, or sixty ounces of gold bullion, impressed with a stamp. Each pound of gold the Mint was enjoined by its indentures to divide into 44 $\frac{1}{2}$  guineas. Notwithstanding the prohibitory laws, everybody knew gold was sent out of the kingdom whenever there occurred such a variation in its price as to afford a temptation to the capitalist or speculator. It was next said, that the price of gold had varied considerably since the period of the restriction; that it rose from the Mint price to £5 2s.; and that therefore it was a standard, which, from its variation, could not be depended upon. In that argument there was a fallacy. We did not in that period want gold; we had another substitute, and gold, it was to be recollected, was to be considered in relation to that substitute. Let not the House suffer itself to be led away by any calculation to mistake the price for the value. When people talked of gold rising in price, were they prepared to show that it had risen in intrinsic value? Let them not talk of its price in paper, but in any other commodity of a real and fixed value. Did a given quantity of gold at present command any more corn, or any more silver, than it would have done fifty years ago? When he said corn, he of course well knew that that article was subject to the fluctuations of seasons; but, setting apart that consideration, he repeated, that gold did not, within the period alluded to, to show its increased price, command more of any fixed commodity than in former times. So far from that being the case, it positively commanded less than it formerly did—and on this account, because they had found a substitute for gold, and, beyond that, because they had a greater stock of that metal, and, consequently, its value was less than it was fifty years ago. But next it was stated, that its price was raised by taxation. That was disproved by experience, as it had been found that gold was high when taxation was low, and *vice versa*. When they spoke of forty or fifty millions of revenue, it was to be recollected, that the pound remained the standard; and that there could be no correspondent variation between the price of gold and the increase of taxation.—There was another objection, which, at first view, appeared extremely plausible. It proceeded on the principle, that a great increase of revenue made a correspondent increase of the circulating medium necessary. That, however plausible, was not a just inference. He would show an instance in our history, where the increase of circulation, compared with the revenue, had varied in an inverse ratio. He would take the two periods of 1792 and 1809. He took the latter year, because it was a time when there was no complaint of a deficiency of circulating medium; indeed, it was the year immediately before the appointment of the bullion committee, when there prevailed an opinion, whether right or wrong it was not then necessary to argue, that there was an excess of it. If then, there were any truth in the argument that the circulating medium should increase with the trade, taxation, and revenue, it should have varied directly in that year. The fact was, however, that it varied inversely. According to the statement of the late Lord Liverpool, the amount of gold in this country in the year 1792, was calculated at thirty millions. Taking it, however, at

five millions less, it, with the eleven millions of Bank notes, gave a circulating medium of thirty-six millions. At that period the interest of the debt was nine millions; the number of vessels employed in commercial concerns was 10,000; the official value of the exports was computed at nineteen millions. In 1809 the interest of the debt was thirty-one millions; our commercial shipping had increased threefold, and the official value of the exports had risen one half. According, then, to the theory of a correspondent increase of the circulating medium with the trade, revenue, and debt, there ought to have been a considerable increase of the circulating medium in 1809 over that of 1792. But the truth was, that this material augmentation in all its branches was provided for by a circulating medium of nineteen millions. Was it not, therefore, demonstratively proved that such a theory was wrong. It might be difficult to conjecture by what means human ingenuity could provide facilities to make a comparative diminution of circulating medium, at one time, answer for three times the quantity of transfers that it could meet under former circumstances. He was indebted to a noble earl for the means of elucidating that part of the argument; he himself had deserved no credit, as the account from which he should read, was obtained on the suggestion of that noble earl. The right hon. gentleman here read several calculations from the paper to which he had alluded, the object of which was to show, what number of days notes of various denominations remained in circulation in the year 1818, compared with the time that notes of the same denomination remained in circulation in 1792. In 1792 the average number of days that the £1000 note remained in circulation, was twenty-two; in 1818, only thirteen. In 1792, the £10 note remained two hundred and thirty-six days in circulation; and in 1818, only a hundred and forty-seven days. In 1792, the total amount of notes of every denomination issued by the Bank was £74,817,000; and in 1818, £236,084,933. The inference to be drawn from this comparative statement was, that a much less circulation was necessary, and would perform transactions to a greater amount, at one time than at another; and, therefore, that the doctrine against which he was arguing was absurd. Amongst the various propositions which had been advanced on the subject, was one which at first appeared very plausible, and was made by those who admitted the advantage of reverting to a metallic standard of value. The argument they used was, that a variable standard exposed the country to great danger; but at the same time, as we had now been twenty-two years without a metallic circulation, it would be extremely difficult and hazardous to revert to the ancient system. These persons maintained, that we ought to regulate the value of gold by the market price; and their plan amounted to neither more nor less than this—we ought to extricate ourselves from our present difficulties, by depreciating the precious metals. They proposed that the bank should regulate the payment of its notes, not by a fixed standard, but by the price of gold whatever it might be. In other words, in place of the ancient system of the country, by which paper was placed on a par with gold, they would reduce gold to a par with paper. That was a proposition which could be viewed in no other light than as a fraud on the public creditor. It was in vain to think that such a course would lessen the difficulties of the question. It was in vain to think that foreign nations could be imposed upon by such a deception, or that in their dealings with us they would not calculate upon the depreciation. The result could only be, after having incurred the imputation of fraud on the public creditor, that the coin would be debased. It was therefore most desirable to revert to the ancient standard of the realm. He felt himself bound to caution the House against all arguments in support of a course, which though fraudulent, would not accomplish its own objects, while it aggravated present difficulties. Let the House be assured, that every deviation from the ancient practice would, hereafter, on the least appearance of public embarrassment, be quoted as a precedent for a more extended departure from that practice. When future suspensions of cash payments were sought, the advocates of such a course would refer to the conduct of their ancestors—they would panegyrize the principle on which, under similar difficulties, they acted—they would call for the adoption of the same principle; and conclude because the price of gold had still farther risen in its relation to paper, that the principle by analogy ought to be extended. Such would be the inevitable effects of adopting the proposition to which he had adverted. The restoration of the value of our currency was always a striking political feature

in the history of the country. They who took an interest in disquisitions of that nature, must have recognised the solicitude of our ablest and most distinguished statesmen, to accomplish that salutary object. There were, however, three distinct periods to which he should call the attention of that House—periods to which every man must look with feelings of admiration and delight; when the government, not misled by the arguments of those who would continue the abuse, effected the reformation of the coin from its previous debasement. That reformation was accomplished in the reigns of Edward I., Queen Elizabeth, and William III., all periods that that House must ever contemplate with pride and satisfaction. They were periods too of great difficulty—of difficulties too that stood in the way of the restoration of the standard of value, much more than any the country had now to contend with; but they were difficulties which the sound determination of these monarchs overcame, and answered the arguments of those who counselled otherwise, by the beneficial results of the conduct they pursued. It was, when engaged in the conquest of Wales, and amidst his efforts to subdue Scotland, that Edward I. turned his attention to the reformation of the coin of the realm. The energy with which that monarch followed up his purpose, had been the subject of praise with every historian of those times, as presenting a noble instance of wisdom and public spirit. The next period was that of Elizabeth, under circumstances that almost repelled such an effort. On her accession to the throne, she found the coin had been debased to the extent of nearly four hundred per cent. in the reigns of her predecessors, Henry VIII. and Edward VI. Where there should have been eleven ounces of silver there were only three. The effect was a great rise of prices, and a considerable commotion throughout the country. In the second year of her reign, and under the advice of her minister Burleigh, she determined to restore the value. There were not wanting persons who counselled her against such an attempt; who reminded her of the delicate nature of such an object—who talked of the distracted state of her dominions—of the rivalry of foreign nations—of Ireland being in a state of approaching rebellion—and Scotland declaring war:—who observed to her that Rome, Spain, and France were declared enemies to her title to the throne; yet still she had the manliness to persevere, and, following the admonition of Burleigh, considered all those difficulties as obligations on her to proceed. “So far,” said that able minister, “should such considerations be from deterring your majesty from the pursuit, that they constitute the motives for perseverance, as in the end they must raise and establish the character of the country, increase the attachment of your majesty’s subjects, and command the respect even of your enemies.” Such a conduct was the proudest eulogium on her merits. In the learned and able work by the late Lord Liverpool, it was observed, that it had been justly commemorated in the monumental inscription on her tomb. That monumental inscription had been so strongly recalled to his mind by a recent perusal of the eminent writer to whom he had just alluded, that he had been induced to review it. After enumerating the queen’s various titles to distinction, it concluded thus—“*Gallia domata, Belgium sustentum, Pax fundata.*” But above all, “*Moneta in justum valorem reducta.*” Having ourselves so many claims to praise similar to those which the reign of Elizabeth presented, he trusted we should not deprive ourselves of the applause which was so justly conferred upon her—that “she had the manliness to reform the coin of her kingdom.” The glories of the present reign fully equalled hers, except in the last particular; but he hoped the hour was near at hand, when the triumphant parallel would be completed.

It was unnecessary to revert to the numerous difficulties with which King William had to contend, engaged as he was for the existence of the liberties of England and of Europe. Yet when he had to struggle for those great objects, and for the stability of his own throne, in the year 1695, he determined to recover the ancient value of the coinage, considerably debased since the reign of Elizabeth. He did so, though opposed by a powerful party, whose motives proceeded from the spirit of opposition alone. And here he had to contrast the conduct of that day with the spirit of enlightened patriotism so manifest in the labours of those who, however differing on other questions, disdained to introduce party feelings in the investigation of the objects of the late committees of that and the other house of parliament. It was impossible to revert to the manner in which the arguments on which, at the Revolution, the reformation of the coinage was opposed, without being struck with their coinci-

dence with the arguments of the present time. The House had only to look to the discussion between Mr. Lowndes and Mr. Locke, to see how analogous the objections that were then urged to the measure were to the objections urged at the present period. It was contended by Mr. Lowndes that the value of silver had increased to 6s. 3d. an ounce, from 5s. 2d., which was the rate in the reign of Elizabeth—that the former was a period of barbarism, on which no precedent could be founded—that France, desirous of providing a metallic currency, had made great importations of coin—that it was not the quantity, but the denomination, that gave to the coinage its value, and that a shilling was the real standard of value. It was well observed by Mr. Locke, in answer, that to have value, coin must consist of a certain weight, quality, and assay—that the Mint, by its indentures, were bound to give the due proportions of each. He maintained that the pound weight of silver was the standard of value, and that the coin was depreciated, and not the bullion raised. The present value of silver he affirmed to be as formerly, 5s. 2d., and therefore not at all altered, except in comparison with a deteriorated currency. Silver in coin was the same in value as silver in bullion. It was perfectly true, he said, that an ounce of silver, which the mint regulations determined to be only 5s. 2d. in value, had risen to 6s. 8d.; but that was only because the silver coin had been clipped or reduced in value, by the difference between 5s. 2d. and 6s. 3d. "If," said he, "Mr. Lowndes still doubts of the depreciation, give me 5s. of standard weight and fineness, as originally coined, together with 2d., and I will with that sum purchase for you an ounce of silver for which you now pay 6s. 3d." Mr. Locke had no abstract idea of a shilling, or of a standard of value, as detached from something substantial and tangible. In reverting to these discussions, he (Mr. Peel) was naturally reminded of another discussion which took place at the same period. He alluded to the difficulties which Martinus Scriblerus was represented to have felt, in the amusing work of that name, in following the metaphysical speculations of his tutor, Crambe. Being asked by his father if he could form an idea of a universal man, he replied, that he conceived him to be a sort of "knight of the shire, or the burgess of a corporation, who represented a great number of individuals; but that he could form no other notion of an abstract man. To puzzle him still more, his father inquired, "if he could not form the universal idea of a lord mayor?" To which he replied, "that never having seen but one lord mayor, the idea of that lord mayor always returned to his mind; that he had great difficulty to abstract a lord mayor from his fur gown and gold chain; nay, that unfortunately the only time that he saw a lord mayor, he was on horseback, and that the horse on which he rode not a little disturbed his imagination. "Upon this," said the history, "Crambe (like another Mr. Lowndes, or those who could form an abstract idea of a pound sterling) swore that he could frame a conception of a lord mayor, not only without his horse, gown, and gold chain, but even without stature, feature, colour, hands, head, feet, or body, which he supposed was the abstract idea of a lord mayor." Mr. Locke, unfortunately, was not so penetrating. He could frame no conception of an abstract standard of value, without reference to an existing substance; and was therefore obliged to put up with the vulgar idea, that a pound was a certain quantity of metal of a given weight and fineness. At the time of the new coinage, at the period to which he had just alluded, prejudices in theory, and misconceptions in reasoning, were not only to be encountered, but the greatest financial and political difficulties were to be overcome. When King William proceeded to reform the standard, he had, at the moment when the chancellor of the exchequer (Mr. Montague) was compelled to borrow, under every discouragement, five millions for the wants of the state, to encounter an expense of three millions, which the new coinage would cost. The reasons against calling in the deteriorated currency, for the purpose of a recoinage, were, that at that time a war raged, which required the undivided exertions of the country; that the public resources should not at such a time be wasted on an unnecessary object, or a doubtful experiment; that the expenses incurred would be more than the nation at such a period could bear, and that its discontents might be excited by fresh grievances to acts of rebellion. The enemies of this expedient moreover argued, that, should the silver coin be called in, it would be impossible to carry on the war abroad, or to prosecute foreign trade, inasmuch as the merchant could not pay his bills of exchange, nor the soldier receive his subsistence. The main arguments opposed to the project, as well as those which

were offered to encourage that monarch in his determination, were so ably stated by the historian, that he begged leave to read them to the House. The arguments used in reply by Mr. Montague, as stated by the historian, were, that the existing system was a disease which increased daily, and would, if not remedied, strike such root as to affect the vital principles of the constitution, and inevitably overthrow it; that the enemies of this country would feel intimidated by the adoption of such a measure, and would be inclined to offer a peace on more honourable terms than could otherwise be expected from them; when they found that this country had the firmness to amend its depreciated currency, even amidst all the dangers with which it was surrounded; and on which they reckoned as a means of effecting its ruin; that they would also hold the wisdom of a parliament who advised such a measure, in higher estimation than they otherwise could do; and in a word, that their respect for a country which, so placed, could surmount so many difficulties, would be greatly increased. Fortunately for the country those arguments prevailed, and, in spite of all the obstructions thrown in its way, the coinage of the country was established on a fair and permanent footing. He would ask, if there were anything in the present state of the country that could be urged against the adoption of such a measure, with more force than the arguments he had just cited had been at the period alluded to? Was there anything that could be brought forward to induce parliament to postpone any attempt to establish a permanent standard of value in the country? He felt surprised when he heard it urged that this country was indebted for all its glory and all its military honours to an inconvertible paper currency. Was it not in the recollection of the House, that this country had enjoyed its full share of prosperity and of military glory before the year 1797; before we were blessed with an inconvertible paper currency? It was urged that we were differently situated from other countries, with respect to our paper currency. He admitted this; but it must not be forgotten, that there were other circumstances which rendered the situation of this country different from others. The House should recollect, that in all the efforts which she had been called upon to make, England had preserved her faith inviolate. This feeling it was that prevented her from taxing the funded property of foreigners. This upright conduct it was that cheered the country in the hour of danger, and caused her to exult in the hour of victory, from a feeling that her dangers had been surmounted, and her victories gained without the slightest violation of her honour. This feeling it was that supported the country in that dark and dismal voyage through which she had gone; and now that they had reached the other shore in safety, let them not abandon the great principle which had been instrumental to their safety; let them not discard the guide by which we were led and protected. Let them adhere to that good faith in time of peace, and towards the public creditor, which they had practised in war, and towards the foreigners whose country was at war with them. Let them recollect that the fluctuations of price which an inconvertible paper currency occasioned, were injurious to the labourer, who found no compensation in the rise of his wages at one time for the evils inflicted by a depression at another. Every consideration of sound policy, and every obligation of strict justice, should induce them to restore the ancient and permanent standard of value. He had thus discharged his duty in bringing the resolutions recommended by the committee of which he was a member before the House, and he was afraid he had occupied its indulgent attention too long. He was aware that there were various other topics to which he had not adverted, and to which he did not think it necessary to advert. But there were two points which he could not sit down without taking some notice of. The first of these was the effect attributed by a noble lord in another place to the mint regulations in raising the price of gold, and rendering the exchanges unfavourable. To the examination of that opinion he had given the maturest consideration of which his mind was capable; and the result was, that he thought the objections urged against those regulations were without any solid foundation. By the present mint regulations, a pound of silver was certainly coined into 66, instead of 62 pieces called shillings, and of those pieces four were withheld by the mint as a seignorage; but this he conceived was calculated to repress, rather than encourage a great circulation of silver. Silver was merely a money of convenience for small sums, not coined like gold at the pleasure of individuals who brought it to the mint, and without loss, but coined by order of the government. Its depreciation therefore could not affect the price of



gold, or drive it from circulation. When he recollected that from 1773 to 1797, a more deteriorated silver currency existed, and that that currency was then a legal tender for £25 instead of 40s., as now, without at all affecting the price of gold, he thought he might quote experience in support of his argument against the theory of the noble peer. Indeed, he was convinced that the disappearance of gold could be fully accounted for in another way, and that the Mint regulations had no effect in driving it out of the market. The second point which he understood was to be objected to the present measure was, the proposal of a plan to compel the Bank, intermediately between the present time and the period mentioned in the report, in order to prevent any material fluctuation in the rates of exchange between this and foreign countries to deliver for their notes bullion in quantities not less than 60 ounces, at the market price. He warned the House against the adoption of a measure so fatal—a measure fraught with destruction to the ends to be attained—a plan which would reduce gold to the standard of paper, instead of advancing paper to the standard of gold, which would inevitably lead to the interminable continuance, the total adoption of a paper medium, and only multiply *ad infinitum* the difficulties with which the question was at present surrounded.

He had now brought his observations to a close. He felt indebted to the House for the attention with which he had been heard; he had previously entertained opinions different from those he now advanced, but he trusted that he had maintained those opinions as independently and as consistently as he now did those he advanced at present. Many other difficulties presented themselves to him on discussing this question; among them was one which it pained him to observe, and that was the necessity he felt of opposing himself to an authority to which he always had bowed, and he hoped always should bow with deference; but here he had a great public duty imposed upon him, and from that duty he would not shrink, whatever might be his private feelings. In turning his mind to this question, he had attended much to the evidence given before the committee; by that evidence he had been guided in a great degree. He did not mean the evidence of mere theoretical men, but of men of practice, and acquainted with the nature of the commerce of the country, and from that evidence he drew the conclusion, that we ought to return as soon as possible to the ancient and permanent standard of value. From the nature of that evidence, and of the other information he had received, he felt himself called upon to state, candidly and honestly, that he was a convert to the doctrines regarding our currency which he had once opposed.

The first resolution, namely, "That it is expedient to continue the restriction on payments in cash by the Bank of England beyond the time to which it is at present limited by law," was agreed to.

The second resolution, namely, "That it is expedient that a definite period should be fixed for the termination of the restriction on cash payments; and that preparatory measures should be taken, with a view to facilitate and ensure, on the arrival of that period, the payment of the promissory notes of the Bank of England in the legal coin of the realm," was agreed to.

The third resolution, namely, "That in order to give to the Bank a greater control over the issues of their notes than they at present possess, provision ought to be made for the gradual repayment to the Bank of the sum of £10,000,000; being part of the sum due to the Bank, on account of advances made by them for the public service, and on account of the purchase of exchequer-bills under the authority of acts of the legislature," was agreed to.

Upon the fourth resolution being read, namely, "That it is expedient to provide, by law, that from the 1st of February, 1820, the Bank shall be liable to deliver, on demand, gold of standard fineness, having been assayed and stamped at his Majesty's Mint, a quantity of not less than 60 ounces being required in exchange for such an amount of notes of the Bank as shall be equal to the value of the gold so required, at the rate of £4 1s. per ounce,"—

Mr. ELLICE said, he concurred with the first three resolutions; but, objecting to the fourth, he moved a series of resolutions as amendments:—

1. Leaving out all the words after "that" in the fourth resolution, to substitute the following:—"it is expedient to order by law, that the sum of £10,000,000 of the Bank advances to government be repaid by monthly instalments of £500,000.

beginning with the 10th of June, and that no intermission take place till the whole be repaid."

2. "That, in the opinion of this House, the Bank ought not to advance any money to government on exchequer-bills, or treasury-bills, beyond the present sum advanced by them, or beyond the sum that shall remain due to the Bank after the £10,000,000 are reduced, without the authority of parliament."

3. "That the Bank have it in its option to pay after the 1st of May, 1821, either in legal coin, or in gold, £3 17s. 10½d. per oz."

4. "That after the 1st of May, 1822, the Bank pay its notes in the legal coin of the realm."

The debate was adjourned to

MAY 25.

Mr. ELLICE having withdrawn his amendments, and several other hon. members having expressed their sentiments,—

Mr. PERL rose to reply. He said he was not desirous to trouble the House with any unnecessary speeches, and was too anxious to carry the resolutions, to trespass upon the indulgence of the House usually granted to persons in his situation. On one or two points he had been misunderstood; but he did not think the misconception of sufficient importance to waste the time of the House in explanation. He congratulated the committee that they were now about to attain the object which they had in contemplation, and that they were at last in sight of the goal from which they had started two and twenty years ago. He sincerely hoped, that the difficulties which some had anticipated would not prove so great as their apprehensions had represented them, and he trusted that parliament would derive from their recent experience this salutary lesson—not to resort again to any variable substitute for the ancient standard of the country. Having said thus much, he had only to add a proposition calculated to render the seventh resolution correspondent with the fourth. The amendment was merely verbal, but it was necessary because it would appear from the present wording of the seventh resolution, that it was left to the discretion of the Bank to pay in gold at more than £3 19s. 6d., provided it did not exceed £4 1s., within the interval between the 1st of October 1820 and the 1st of May 1821. To obviate this error, therefore, he proposed, that the Bank should be called upon to pay in that interval at the rate of £3 19s. 6d., or at some sum between that and £3 17s. 10½d.

The original Resolutions were carried without a dissentient voice.

MAY 26.

Mr. BROGDEN brought up the Report of the Committee of the whole House, upon the four resolutions above-mentioned, with the five following in addition:—

5. "That from the 1st of October, 1820, the Bank shall be liable to deliver, on demand, gold of standard fineness, assayed and stamped as before mentioned, a quantity of not less than sixty ounces being required in exchange for such an amount of notes as shall be equal to the value of the gold so required, at the rate of £3 19s. 6d. per ounce."

6. "That from the 1st of May, 1821, the Bank shall be liable to deliver, on demand, gold of standard fineness, assayed and stamped as before mentioned, a quantity of not less than sixty ounces being required in exchange for such an amount of notes as shall be equal in value to the gold so required, at the rate of £3 17s. 10½d. per ounce."

7. "That the Bank may, at any period between the 1st of February, 1820, and the 1st of October, 1820, undertake to deliver gold of standard fineness, assayed and stamped as before mentioned, at any rate between the sums of £4 1s. per ounce and £3 19s. 6d. per ounce; and at any period between the 1st of October, 1820, and the 1st of May, 1821, at any rate between the sums of £3 19s. 6d. and £3 17s. 10½d. per ounce; but that such intermediate rate having been once fixed by the Bank, that rate shall not be subsequently increased."

8. "That from the first of May, 1823, the Bank shall pay its notes, on demand, in the legal coin of the realm."

9. "That it is expedient to repeal the laws, prohibiting the melting and the exportation of the coin of the realm."

The resolutions were agreed to; and a bill or bills were ordered to be brought in by Mr. Peel and the Chancellor of the Exchequer.

### BANK ADVANCES BILL.

JUNE 19, 1819.

MR. PEEL said, that among the recommendations contained in the Report of the Select Committee on the affairs of the Bank, there remained one to which the House had not yet adverted. It was a recommendation, however, which was by no means of minor importance. The committee recommended that parliament should adopt some permanent provision for defining and limiting the future advances made by the Bank to the public, and for bringing those advances constantly under the superintendence of parliament. It was a bill to effect that object that he should, in conclusion, move for leave to bring in. There were three modes in which the purpose might be accomplished—either by a law, interdicting the Bank from making any advances at all—a prohibition that would be attended with great public inconvenience; or by establishing a nominal amount to which the advances might be extended, which would be attended with the disadvantage, that that amount might sometimes be too small, sometimes too large for the necessity; or thirdly, by the plan which, under all the circumstances of the case, he conceived to be the most expedient. He proposed to enact, that the Bank should, in the first place, be prohibited altogether from making any advances to government; and that, whenever such advances were deemed desirable by government, an account of them should be submitted to parliament for the purpose of obtaining its authority. This course would bring the whole subject of the advances from the Bank, under the constant inspection of parliament. The first clause of his bill would prohibit the Bank of England from making any advances to government unless distinctly authorized by parliament. It would then provide, that if parliament considered such advances desirable, and authorized them by a specific act, either the first Lord of the Treasury, or the Chancellor of the Exchequer, should make a written application to the directors of the Bank for the required advances, which application, and their answer to it, the directors should enter on their minutes. The next clause would provide, that the written application so made, and the minutes of the Bank, stating their acquiescence or refusal, should be laid before parliament, thus bringing the whole transaction under its cognizance. There was another point to which the bill would be directed. He should propose the same regulations respecting the purchase of exchequer bills by the Bank as he proposed with reference to the advances. This appeared to him to be the most natural and effectual mode of establishing a parliamentary control on this important subject. He concluded by moving for leave to bring in a bill to establish regulations for the purchase of government securities by the Bank.

Leave was given to bring in the bill.

### CHARITABLE FOUNDATIONS BILL.

JUNE 23, 1819.

Lord Castlereagh having moved the third reading of the Charitable Foundations Bill, and Mr. Brougham having spoken at some length on the subject,—

MR. PEEL said, he saw so many gentlemen around him much better qualified than himself to enter into the merits of the question, that he should be very brief in his remarks upon it. He must, however, contend, that the argument of the hon. and learned gentleman with respect to the exemption of charitable institutions committed to special visitors, was by no means conclusive; for he could see no reason why the will of the founders of such institutions should be violated; and where by such will individuals holding certain offices were appointed as special visitors, it appeared to him that their conduct should not be meddled with, unless special abuse were shown

to have occurred. But how came it that the hon. and learned gentleman had not brought forward a distinct motion with respect to public charities, and the reports of the two committees of 1816 and 1818 regarding them, at an earlier period of the session? So much wit and eloquence had been displayed upon the subject of those charities by the hon. and learned gentleman and others out of the House, that he felt quite unable to make any adequate reply to such exhibitions. But it would be recollected, that upon the proposition in that House of the committee of inquiry in 1816, it was never mentioned that any investigation as to charities of this nature was to be referred to that committee. That committee had, indeed, materially exceeded the authority with which it was invested. He was as ready as any man to admit the great advantages derived to the House and the country from the institution and labours of committees, but he must protest against the right of any committee to exceed the powers granted, or the instructions given to it by that House. The committee of 1816 was appointed to inquire into the education of the poor in the metropolis, and into the way in which the children of paupers found in the streets might be best disposed of. That, indeed, was the specified object of the hon. and learned gentleman in moving for the appointment of that committee. Such, then, being the object, no one could have ever contemplated that such a committee would have undertaken an inquiry into the great scholastic establishments of the country. No one, for instance, expected that any investigation would have been instituted by that committee with regard to Westminster or Eton. It might be said, that some words were added, upon the proposition of an hon. friend of his, to the instructions originally given to the committee, but he was speaking only with respect to the constitution of the committee in the first instance, and he contended that a very wide departure had taken place from that construction, even before the addition of those words. If it were asked, why the attention of parliament had not been called to the reports of the committees of 1816 and 1818, especially in so far as those committees had exceeded their powers, he would reply, that the report of the former committee was not printed for some time after the termination of the session, while that of the latter was not printed until after the dissolution. But if it had been expected that any of those committees were to exercise the power of instituting any inquiry with respect to the universities, it was impossible that the House would not have been more particular with respect to the constitution of such a committee. He meant no reflexion upon the members of the committee; but it appeared that among them there were none connected with, or peculiarly interested about the universities; and had the House contemplated that any inquiry respecting those universities was to take place before those committees, he apprehended that some such gentlemen would have been selected to mix with them. But to enable the House to judge of the constitution of these committees, he would read the names of the committee of 1816; and in doing so, he had no intention of imputing the slightest charge against any of them. He had divided them into three lists:—the individuals who were generally denominated independent—those who usually took the same views of politics with the hon. and learned gentleman—those whose opinions usually coincided with administration. Those on the first were—

Mr. Butterworth, Mr. Banks, Sir T. Acland, Mr. Wilberforce, and Mr. Babington. On the second were Mr. J. Smith, Mr. J. H. Smyth, Mr. Lamb, Mr. Warre, Mr. E. Smith, the marquis of Tavistock, Mr. Abercromby, Sir J. Mackintosh, Mr. Brougham, Sir S. Romilly, Sir R. Ferguson, Sir H. Parnell, Sir F. Burdett, Mr. Bennet, Mr. Calcraft, Mr. Gordon, and Lord Ossulston.

Mr. Brougham, while the names were repeating, requested that the right hon. gentleman would read them slowly, that he might be able to take them down.

MR. PEARL replied that he understood the sarcasm, but as it did not touch him, he was ready to comply.

Mr. Brougham denied that he meant any thing sarcastic; it was necessary that he should be furnished with the names, if the question were made to depend upon the political propensities of the individuals bearing them.

MR. PEARL again read the names of the six impartial members, and of the seventeen who usually voted with the hon. and learned gentleman. It seemed that it was in the contemplation of the proposers of the committee, that the universities of England should come under its cognizance. It was therefore to be expected that some gen-

tlemen would have been named upon it, connected by knowledge and interest with those establishments. Three individuals had been selected who generally voted with ministers; and on them it seemed was to rest the burden of protecting the rights of the two universities of Oxford and Cambridge; and who, did the House imagine, had been chosen by the hon. and learned gentleman; selected no doubt for their romantic attachment to those great and venerable institutions, where in early life their genius had been nurtured by the beauties of classic lore? Who were the Horatii taken from the Roman camp to be the favoured champions on this occasion?—Sir James Shaw, Mr. Alderman Atkins, and Sir W. Curtis. Respectable, most respectable individuals, certainly; but perhaps not the best calculated, from the early attachments of education, to perform the duty to which they were appointed. In this way the committee had been constituted. [Mr. Brougham suggested that other members were added to the committee.] Mr. Peel admitted this; but observed, that he had correctly stated the committee, as it was originally constituted. From time to time other members had undoubtedly been added, particularly when the inquiry was extended to Scotland; but he firmly believed that he had mentioned all the hon. gentlemen who had been originally appointed.—Here the right hon. gentleman commented upon the bill brought forward in 1818, in consequence of the report of the committee, and upon the desire of that committee, that all the members of the proposed commission should be nominated upon the recommendation of the committee, and not appointed by the Crown. But this was not all; for there was this extraordinary provision in that bill, namely, that if any person should refuse to produce any document, or part of a document, with respect to charitable institutions, it should be competent to any two of the proposed commissioners to commit such person to any prison in the kingdom, there to be detained without bail or mainprize, until he consented to the production required. Much had been said of the severity of confining men under the suspension of the Habeas Corpus act; and no doubt such confinement could only be warranted by imperious necessity. But if parliament were so jealous of investing the established authorities of the country with the power of depriving the subject of his liberty, it was surely its duty to guard against the grant of such power to an authority newly constituted, and for a temporary purpose. It was, indeed, most extraordinary to propose, that two of those commissioners should possess the power of sending a man from Devon to the castle of Edinburgh, if he refused to produce any part of any document which they required to see upon the subject of public charity. The proposition of the committee, however, upon this subject was decidedly rejected, and the bill was passed with modifications. He could not avoid adverting to the course which the committee had pursued in some of its examinations, particularly that of the head of St. John's college, Cambridge. When he considered the objects for which the committee was appointed, and the character of the individual alluded to, he certainly thought that that matter should have been differently entertained. A question had been put to that respectable individual, as visitor of a school in the north, importing such a charge as ought never to have been insinuated. It would, indeed, have been much better if that question had been omitted altogether. Then, as to the publication of the statutes of Eton college, he condemned that proceeding most strongly, because, by the rules of the college, those statutes were forbidden to be published. But this publication was the more exceptionable, as Dr. Goodall had stated before the committee, that the copy of the statutes alluded to, which that committee had obtained from the British Museum, was exceedingly imperfect. When Dr. Goodall was called upon to produce the statutes, he made the objection that, by the oaths he had taken, and by the will of the founder, he was precluded from so producing them. But the committee thought it proper to procure those documents from another source; and they sent to the secretary of the British Museum, desiring to be furnished with a copy of them, (it being understood that one was deposited there,) which they procured. [Mr. Brougham here manifested some symptoms of dissent.] He understood the hon. and learned gentleman to say, that there was no objection to the furnishing of that copy; but he was not speaking to that point. He was speaking to the question, whether the committee were authorized to publish to the world, documents which particular individuals of certain establishments were bound to retain in their own possession, by their own oaths, and the express directions of the founder. Here he was speaking of those of Eton college, as well of those which were given,

as of those of Winchester college, which were not given. Now, he found that the rev. P. Hudson being asked, "Whether the statutes of Eton were open for public inspection?" answered "No; it was not permitted that they should be." The next question was, "Had they ever been printed?" the answer was "No; that was forbidden." Dr. Goodall was asked, "Whether he had ever seen Dr. Huggett's copy of those statutes in the British Museum?" He replied that "he had; but he knew it to be incomplete." When they were informed that this was the case, the original impropriety of publishing them at all, became considerably heightened. If the statutes of Eton were to be published at all, surely a simple unadorned text ought to have been published. But it so happened, that in the published copy there were marginal notes attached, calculated to give any thing but a fair or just construction, and to convey any thing but a fair or just impression with regard to the subjects they purported to illustrate; and yet bearing all the appearance of parliamentary authority, and consequently calculated to produce an undue prejudice in the public mind. The statutes were printed in the 4th report. They were in Latin, with various annotations. One of them he should especially notice. The right hon. gentleman proceeded to read a passage in the text, and the annotation; which, he observed, was a specimen of their general character. The latter was to this effect—"This vice-provost's book is that generally used in college business; no argument is allowed upon it, and consequently it is generally used." Now those were annotations which ought not to have been published. They were observations not issued under the authority of parliament; or at least he might say, they were an abuse of that authority. He repeated, that if it were necessary to publish the statutes of Eton at all, they might have been printed without any marginal annotations, tending so completely as those did to prejudice a clear view of the subject. But there were other circumstances in the conduct of this inquiry about charitable institutions to which he felt it necessary to advert. In the year 1818, parliament was dissolved, and of course, all bodies to which it had committed the exercise of certain powers, committees, for instance, were presumed to have been dissolved with it. On this point, however, something occurred, which, although it originated, he had no doubt, in inadvertency or mistake, he felt himself bound to call the attention of the House to, inasmuch as, if unnoticed, it might hereafter become matter of dangerous precedent, and interfere with those established forms and usages of which it behoved them to be so observant, and which were of so much importance. The dissolution took place on the 10th of June; and, of course, every body imagined all committees to be at an end, and the proceedings of those bodies to have terminated also: when a gentleman of his acquaintance, quite unacquainted with the course and nature of parliamentary business, sent him (Mr. Peel) a letter, from the country, requesting to know whether the education committee were still sitting? As this was in the month of July, he had no hesitation in acquainting the gentleman in his answer, that they could not be sitting. Now, this was a letter, dated from the House of Commons, 10th July, (one month after parliament had been dissolved,) franked by Mr. Freeling, and directed to the rev. the minister of —. The frank contained two letters; one of the 13th of April, signed "Henry Brougham, chairman;" and proposing to the rev. gentleman several questions; and the other of the 10th July, which was of no importance, but as it formed part of a dangerous precedent, if such a practice were to be permitted. As he had observed before, the circumstance might have originated in mistake; he made no charge; but he thought it necessary to call the attention of the House to the matter. The letter, dated the 10th of July, purported to be from the committee of education, and was signed by George Whitham, clerk to the committee. It was a circular directed to all clergymen not having made their reports according to the former instructions of the committee; and after expressing unwillingness to report the individual's name, as one of those who had not so reported, it went on to request that the communication might be immediately forwarded "directed as above," viz., to Henry Brougham, Esq., chairman. Now this was really very wrong, and calculated to produce an erroneous impression on the minds of the public, as to the fact of a committee's sitting after the dissolution of parliament. And when they were so scrupulous as to forms, let them not be wanting in a due care of those which were immediately connected with the course of their proceedings. The letter which had thus proceeded from the hon. and

learned gentleman, from—not to use a stronger term than he meant to do—inadvertency, might, he thought, have been couched in better terms. [The right hon. gentleman then read the commencement of the letter, which was in substance as follows:]—“Reverend Sir; it will be rendering very essential service to the inquiries now carrying on by the committee for the education of the poor, &c.” It might have been presumed, therefore, that such inquiries were carrying on by authority of parliament. But what he had most to complain of was, that this letter was sent as from the House of Commons, and franked by Mr. Freeling. It was leading those to whom it was addressed to think that there was an obligation on them to answer it, and in the way required. In one other respect, he must say, that he thought the hon. and learned gentleman had over-rated the powers of the committee. In the letter addressed by the hon. and learned gentleman to his lamented friend Sir S. Romilly, there was an allusion to his (Mr. Brougham's) conduct as chairman of that committee, in which their powers were greatly over-rated. In it the hon. and learned gentleman had declared, that he was so studiously determined to avoid all imputation in regard to the extraordinary affair of St. Bee's school, that he appeared at the Westmoreland election resolved upon refusing all applications for access to the evidence touching that singular business. Why, he could not give any such information; for information given to such a committee he was not at liberty to divulge. He (Mr. Peel) did not know of a more alarming and important abuse of such powers than the doing so. So far from over-rating the justness of that determination by taking any credit for his forbearance, the hon. and learned gentleman should know that he would have been grossly forgetting his duty, if he had permitted the information to be used at all for private purposes; but much more so, if for electioneering purposes he had been induced to give such permission. As to what he had observed upon the letters in question, he did think that these were proceedings which, if passed over without any comment, would form most dangerous and inconvenient precedents. He was, therefore, most anxious that this opportunity should not go by, without his entering his protest most decidedly against them. He discharged his duty on this occasion with great reluctance, but this might be the only time that he would have an opportunity of observing on the proceedings in question, and he did not wish to let them pass unnoticed. He thought many of those proceedings were improper; he thought they would form bad precedents—precedents inconvenient and dangerous; he must therefore enter his decided protest against some of them, to afford an opportunity of correcting the inadvertency, if inadvertency it were.

After the bill had been read a third time, Mr. Brougham proposed a clause, enabling trustees, with consent of the commissioners, to apply to the Court of Chancery, or any of the courts of equity, for the correction of certain deficiencies that might be found to exist in the powers granted to them under the charter.

Mr. PEEL expressed his regret at being again compelled to offer himself to the attention of the House. Charges, he said, had been made against him by hon. members opposite, which, in their nature, were somewhat inconsistent. It had been alleged, that he had prepared what was called a bill of indictment against the committee, having associated to himself in this invidious task, several other persons; but he could assure the hon. and learned gentleman, that whatever might be the nature of this bill of indictment, to himself (Mr. Peel) alone was it to be attributed. He did not imagine it was a fair ground of charge against him, that he had canvassed the proceedings of the committee in private with his friends. Gentlemen who pushed themselves forward in that House into public situations, such as chairmen of committees, must expect to have their conduct very freely and fully examined, provided no personal or improper motives were imputed to them. He could assure the hon. and learned gentleman that he would never shrink from animadverting on his public conduct whenever that conduct seemed to demand animadversion. The hon. and learned gentleman had complained that the charge was brought forward in the absence of the committee; but as he entered the House he perceived at least ten members of the committee present, and in any case he should consider it a new doctrine, if the members of that House were to be precluded from making any observation on the conduct of committees, unless the members of such committees were served with regular notice to attend. As to his not having made the charges

before, there was no opportunity. On the 5th of April, 1818, the bill was first introduced; on the 6th of June the report which contained the examination of Dr. Wood, was laid upon the table; and on the 8th the parliament was dissolved; and though it was competent to him more recently to have made a motion on the subject, he was prevented by the notice of his noble friend preparatory to the introduction of the present bill. He would also remind the hon. and learned gentleman, that he was absent himself for a great part of the session, and therefore might very properly have accused him, if he had stood forward before, of making an attack upon him in his absence. He still thought, notwithstanding all that had fallen from the hon. and learned gentleman, that the chairman and the committee had exercised an authority which was not contemplated by the House at the time of their appointment. Reverting to the examination of Dr. Wood, he again maintained that the tone and manner of the examination were not warranted. He confessed that he did feel that romantic attachment to the seat of his education which the hon. and learned gentleman had attempted to overwhelm with sarcasm and ridicule; and, instead of its being a matter of charge against him that he did so feel, he was convinced that he should be justly chargeable if he did not. He thought of the university of Oxford as of the scene of his youth, and as an institution to which he felt that he was indebted beyond the power of repayment. If, therefore, he had declined to appear in its cause, he would have been guilty of a dereliction of duty. All that the hon. and learned gentleman had said could not remove the impression of one fact from his mind, that after the dissolution of parliament the committee thought proper to call upon certain individuals for an answer to the circular, and that the request was signed by the clerk of the committee, and dated from the House of Commons. He concluded with remarking, that though he might have strong political feelings upon various subjects, he hoped he could not be justly charged with a want of candour or fairness in the expression of them.

The clause was added to the bill; after which Mr. Brougham proposed, by way of amendment, the striking out the clause exempting colleges, free-schools, or other foundations having special visitors, from the operation of the bill. The amendment was negatived, on a division, by 107 against 75; majority, 32.

## SEDITIONOUS MEETINGS PREVENTION BILL.

DECEMBER 2, 1819.

In the debate upon the question for reading the Seditious Meetings Prevention Bill a second time,—

MR. PERL expressed a wish to give his opinion on one or two subjects, which had been so often discussed in that House, that he should fear to offend by the mere repetition, if he did not feel it of some importance that he should speak on them, having been prevented from doing so by indisposition, which had kept him from the House since the night on which it first met. The circumstances on which he would offer a few observations, were those connected with the meeting at Manchester on the 16th of August. He was particularly anxious to offer a few observations on this subject, as he was connected with that part of the country by ties of birth and early acquaintance; but at the same time he should observe, that there were no ties which could prevent him from taking an impartial and disinterested view of the transactions in question.—He had no connexion with any of the gentlemen who had acted as magistrates, and his acquaintance with any of them was slight. But from the means of information which had been afforded him—from his conviction of the motives on which the magistrates acted, and of the dangers which threatened Manchester, and his knowledge of the unjust calumnies by which the magistrates had been assailed—he felt he should be abandoning his duty if he did not endeavour to make them all the compensation which an humble individual was capable of making to them for their wrongs, and bearing his testimony in favour of their services. Any man who formed his judgment of the conduct of the magistrates merely with reference to what passed on the 16th, had taken a very narrow view of the case, both as to the danger which then threatened the public, and as to the services which those magistrates then



rendered to the public. To arrive at any thing like a just opinion on the case, reference must be had, not to that day alone, but to what had occurred in and about Manchester for months, and, he might add, years before, and to the nature and constitution of society in that part of the country. By such a view alone could any one fairly judge of the conduct of the magistrates, of the precautions which they had taken, and he would say, of the success with which those precautions had been attended. It was true, that the parties who called the meeting of the 16th professed an intention of petitioning parliament. It was true, that the people collected together under this pretence marched into the town with bands playing God save the King. It was true, some of their banners were inscribed with the words "tranquillity," and "order"—and it was true, that the chief of the demagogues inculcated order and sobriety. But was any man infatuated enough to think that such pretences as these ought to have lulled the magistrates into security, or induced them to relax their preparations? Let any man consider the situation in which the magistrates were placed; let him consider the information which they had received, the knowledge which they possessed of the state of feeling in Manchester and its neighbourhood amongst certain classes, and from that let him judge of the conduct which they had pursued. He would appeal to the report of the secret committee of the House of Lords, presented in 1817, for the state of Manchester at that time, and which state the magistrates must have fully borne in mind. Here was the opinion of as respectable a body at it was possible to select in the country, and he should presently read it to the House. There had been, in 1817, two meetings in Manchester professing the same object as that which was held on the 16th of August. At the first of these, which was on the 1st of March, and which was attended by about 10,000 persons, the monstrous proposition was put and carried—that the assembled multitude should divide themselves into bodies of ten persons each, with a separate leader, and that, in that state, they should march to London, to present their petitions. But the character of the second meeting was infinitely more dangerous; no man could contemplate it without horror—not so much from the fear of internal commotion, as of the destruction of all moral and social order. Now, what did the Lords' report say of that meeting? "It was on the night of the 30th of March that a general insurrection was intended to commence at Manchester. The magistrates were to be seized, the prisoners were to be liberated, the soldiers were either to be surprised in their barracks, or a certain number of factories were to be set on fire, for the purpose of drawing the soldiers out of their barracks, of which a party stationed near them for that object were to take possession, with the view of seizing the magazine. The signal for the commencement of these proceedings was to be the firing of a rocket or rockets, and hopes were held out that 2,000 or 3,000 men would be sufficient to accomplish the first object, and that the insurgents would be 50,000 strong in the morning." Why, with such a document before them, would any man assert that the magistrates were not justified in taking the precautions which they had done? Suppose they had acted otherwise, should we not have heard of a strong case against them for their supineness? Suppose they had not interfered, and that violence had ensued, with what eloquence would it not have been urged on the other side, that they were the cause of all the disturbance. In his conscience, he believed that it was impossible for men under such circumstances to have taken better measures or more wise precautions for ensuring the public peace than those magistrates had done. He declared on his conscience, that in his opinion, not only were they justified in doing what they did, but that benefited by subsequent experience, were the same case to occur again, it would be impossible for them to proceed in any other manner. When he said this, he begged it to be understood, that no man more deeply deplored the loss of lives which took place on the 16th; but were he to enter into a comparative estimate of the two evils, the suffering the meeting to proceed tranquilly or the loss of lives, he would say he believed on his honour that the loss of lives was the less evil. Was it nothing that such meetings should continue and produce their accustomed consequences? Were the intimidation and terror nothing? He had heard it asked, why had not the magistrates prevented the meeting? He in turn would ask, how could they prevent it? How would hon. gentlemen, who asked such a question, have advised the magistrates to act? Thousands of men were advancing in bodies, with banners, marching in regular order, under leaders, as yet peaceable he admitted, from the

various towns about Manchester, from Middleton, from Rochdale, from Oldham. Were they to send two or three constables to 5000 or 6000 men to tell them that they had been invited to a public meeting, but it would be inconvenient for the public peace that they should attend, and that they had better stay at home? If they had done so, would it have been effectual? or would it not rather have tended to bring the civil power into contempt? Those bodies of people had committed no act of violence in their approach; would it then be said that a body of military should have been sent to disperse them? Or, if that had been done, and they (the military) had been overpowered, what might have been the consequence? If one of the detachments sent against those large bodies should have been overpowered in the collision, the consequences of the impression on the public mind in Lancashire would have been most fatal. With respect to the part which ministers had acted on this occasion, he conceived that they would have been guilty of a gross dereliction of their duty, if they had acted otherwise. Not only were the ministers praiseworthy in delivering to the magistrates the thanks of the Prince Regent, but it would have been the most signal proof of their unfitness to hold their situations, if the only recompence for men who had devoted their whole time and labour to the preservation of the peace, had been to depart from the ordinary course of proceeding to their prejudice. Was it not as reasonable as it was accordant with practice, that persons who were qualified to perform such important functions should be believed on their statements till there was reason to suspect them? On what ground was the commander in an action thanked by his sovereign? was it not on his own statement? The duke of Wellington when, for instance, he stated in his account of the battle of Talavera, that he defeated the enemy—that he had rescued his army from imminent peril, was he not to receive the thanks of his sovereign? Was he to be told by the ministers—“We hear that marshal Victor, who is opposed to you, has sent a very different account of the matter to Buonaparte—the gentlemen of the opposition are prepared to find fault with you, and military critics will tell us that you committed blunders, and therefore we must suspend our thanks until an inquiry into the fact has been instituted.” If such conduct were pursued, we should not have such generals as the duke of Wellington, nor men of independent fortunes, who, in spite of the allurements of foreign travel, or the pleasures of the capital, of their own ease, devoted their time to the preservation of the peace in towns in which they had no personal interest. If in the honest discharge of their duty the magistrates were to be thus treated—if the first act of ministers should be to find a true bill against them, why, the result would turn out, that instead of an unpaid and active body of magistrates, the local administration of justice would be confined to men who were now so much talked of—he meant stipendiary magistrates. He would appeal to the civil commotions in this country, he would appeal to the history of the civil commotions of France, and he would ask, what on those occasions had been the effect of ill-timed rigour, and what had been the effect of ill-timed concession? The fatal effects of the latter had been written in blood; and fatal indeed must the consequences be to this country, if government were to be deterred by popular clamour from the performance of its duty, and be induced to withhold an expression of its approbation from a course of measures which the circumstances of the times so fully warranted. He had said thus much from the strong feeling of obligation which he thought was due to the magistrates of Manchester, to whom was to be ascribed the rescue of that part of the country from the most imminent danger. He would now proceed to the discussion of the subject which was more immediately before the House. He had listened to the speech of his hon. friend opposite with all the attention which the prepossessions of early friendship would naturally excite; and he professed that he was exceedingly surprised, knowing the ability which he had upon all occasions exhibited, to find that throughout the whole of that speech there was not an argument, or an attempt at an argument, to show that the measures which were under discussion were not necessary. Judging from the speech of his hon. friend, he was bound to say that he anticipated his vote in favour of the motion; for he had not only not diminished the danger in which the country was placed, but had unfortunately magnified it. He had stated that the consequence of raising 11,000 men would be to render it necessary to raise double that number in the ensuing year; and had added, that the state of the country afforded a ground of impeachment against one of his majesty's ministers. How this

proposition was to be supported he confessed himself at a loss to imagine. But there was one part of his hon. friend's speech for which he could not account, and that was how, after his sarcastic remarks upon the meetings at Glasgow and York, he had found so speedy a conveyance to the inquisition at Mentz. Upon an examination of the papers which had been presented to the House, he thought the necessity for the proposed measures must be evident to any one who had taken the trouble to read them. In adverting to these papers, there were two classes of men presented to their notice. The first of these were the lovers of peace, good order, and tranquillity: but there was another class of his majesty's subjects, whom, he apprehended, there was no individual in that House, who was the sincere advocate of the rights of the people, that would support. He would ask any man whether he could read those papers, and forming his judgment upon them, and upon facts which were perfectly notorious, he could draw any other conclusion, than that there had been a great abuse of popular rights, and such an abuse as was calculated to bring down destruction upon the constitution? He did not found this observation upon anonymous information—he drew his conclusions of the dangers of the public peace, and of the dangers of the rights and privileges of the people, from documents which were to be found in these papers, and which were sanctioned by such men as lord Derby, lord Fitzwilliam, and the duke of Hamilton. Any individual who read those documents could come to no other conclusion, than that the danger of the country was extreme, and that it was absolutely necessary to adopt some immediate and powerful measures to check that danger. Now, with respect to the attempts which were made to make the danger appear ridiculous, he would only beg leave to refer to the case of the meeting described by lord Fitzwilliam, on Hunslet-moor. At this meeting some thousands of persons, men, women, and children, were collected together, and there, as was stated in the letter of lord Fitzwilliam, were again assembled the same itinerant orators who had been attending in other places. At that meeting, so collected, seventeen or eighteen resolutions were unanimously voted, and he would beg the attention of the House to the sort of statements which were thus disseminated among the multitude of men, women, and children who were present. In the first place it was resolved, that the debt of the country amounted—to what sum? No one felt, or lamented more, the pressure of this debt than he did,—but surely the evil was sufficient of itself without being enhanced by the inflammatory exaggerations of itinerant orators, and yet those persons stated to those who stood around them, that the debt of the country amounted to no less a sum than £100,000,000,000! and it was added, that this enormous burthen was attributable to the depreciated state of the paper currency. But the resolution which followed was more ridiculous, and, if possible, more wicked; for it was intended to create dissatisfaction, and distrust towards those persons who represented their interests in parliament, upon a subject altogether disconnected from party feelings, and to bring into contempt or suspicion even the most disinterested exertions of the House for the amelioration of the people. Is was this —“That the savings-bank scheme, which was instituted under a pretence of benefiting the working classes, when nearly three-fourths of them were out of employ, is an insult to common sense and real understanding, and ought to be considered as what it really is—an engine to work the last shilling out of the pockets of a few old servants and retired tradesmen, to enable the Bank and the borough-mongers to pay the fractional parts of the dividends, and to create a sort of lesser fund-holders of those who knew no better than to make a deposit of their hard earnings, to fill the pockets of those who are draining them of their last shilling.” He would ask the House what could the persons who unblushingly made this statement have in contemplation? He would ask whether such proceedings were not one of the most miserable abuses of popular right which it was possible for the imagination to conceive? Another resolution was—“That as soon as an eligible person would accept the appointment, another meeting should be called to elect him as representative of the unrepresented parts of the inhabitants of Leeds.” Could this meeting or meetings like it, be said to enlighten and enlarge the mind of the community? and were not evils of the greatest magnitude to be apprehended, if they were permitted to be repeated? But he called upon the House not to suppose that the evil stopped here; he only called upon them to listen to what lord Fitzwilliam said in another part of his report. His lordship said, “The resolutions passed were numerous and long,

but I have not their particulars as yet, the managers not having yet dressed them up to their own liking for print, which I suppose they will do in the usual way on such occasions, without any very scrupulous attention to what was proposed and passed by the meeting." That was to say, that they would not scruple not only to mislead the people in the first instance, but to misstate in print, and to misrepresent the actual resolutions to which the meeting had come. Could any man alive see this without at once acknowledging the dangerous results to which it must lead? And would it be said that to place restraints upon such nefarious and abominable transactions, would be to infringe despotically upon the people's rights? [Hear, hear]. But when he considered the probable consequences which would result to the public peace from similar practices in the neighbourhood of Manchester, he could scarcely find words adequate to express his apprehensions. When he heard gentlemen talk of invading the rights and privileges of the people, he would ask whether there were not other rights to preserve than those which were connected with those popular meetings? When they talked of public rights, they should not forget that they were such rights, as the rights of property and of freedom, the right of exercising opinions freely, and of acting in conformity with those sentiments of loyalty which the true principles of the British constitution were meant to inculcate and to uphold. He should like to take any impartial stranger: and to describe to him the British constitution, the rights which it created and preserved, and its practical operation on the happiness of the community. That stranger, of course, would not regard any fanciful theory, or the boasted balance of the three powers—monarchy, aristocracy, democracy; he would demand in what way were secured the lives, the persons, the property, the freedom of opinion of the subject, in short all those rights which it was absolutely necessary to the public good to maintain. He would place that stranger in some spots he would fix on near Manchester, and ask him what he thought of the practical operation of the British constitution? Let the House look to the details which were in the papers before them, and they would find a melancholy abundance of proofs of the sort of conduct which was practised by those misguided men: they would see that, according to their construction of the British constitution, no man was entitled to exercise the right of allegiance, or entitled to protection, if he presumed to think differently from themselves. He again begged to state, that he did not make these observations upon anonymous information. Let the House look for instance to the examination of Francis Murray; they would find that he with three others had left Manchester on the day preceding the 16th of August, and that he proceeded to an open spot at some distance, where he found 1,500 men exercising in military array, and formed as he had described it, in solid squares. This man was invited to join those persons, and upon his declining an immediate alarm was given that he was a spy. He endeavoured to escape, but was pursued by a body of these desperadoes, by whom he was captured: and how in this man's person was the liberty of the subject respected? He was actually obliged to go down upon his knees, and forswear his allegiance to his sovereign, as the price of his life; for he was not even protected from violence, having been shamefully wounded and maimed. But what was the melancholy appeal which this man who was not employed by the civil power, (though where would have been the criminality if he had been?) was obliged to make to these advocates of constitutional power,—to those whose meetings were considered as no abuse, and those whose conduct it was said was not calculated to produce danger to the state? This British subject, in the possession of his liberty, guilty of no offence, entitled by the constitution to the free enjoyment of his own opinions, what sort of appeal was he obliged to make to this singular assembly? Did he say he was a British subject, and appeal to equal rights? He knew too well the temper of those into whose hands he had fallen. He said, and his appeal was, though a simple, a melancholy and forcible one, "For God's sake treat me as I would be treated by an enemy. If I were flying from the French, and they as an enemy, were to take me prisoner, they would grant me quarter; let me implore you but to extend to me a similar grace!" This was the language which a free-born Englishman was constrained to address to his brother Englishmen, at a time when he was guilty of no illegal act, in order to obtain a cessation of torture. He would ask any man in that House if this were what was called the liberty of the subject? Rather was it not one of the evils against which the British constitution did not guard, but against

which it ought to be made to guard? Lord Derby too, to whose report an hon. gentleman had referred, and who, from his known political sentiments, might be considered a most impartial witness, what did he state? And here he could not avoid paying a tribute of gratitude to that noble lord for the manner in which he had acted—for the firm and effectual steps which he had taken to preserve those institutions upon which the prosperity of the nation could alone depend. What did this noble lord state? Knowing the spirit of loyalty which pervaded the respectable inhabitants of this district, he endeavoured to raise an association for the protection of the public peace, but in what language was he constrained to report the result of that effort? He says, alluding to the formation of an armed association, “I find a difficulty in obtaining a sufficient number of officers, even but for one battalion; but every entreaty has failed to induce the men to come forward.” He would ask, was this a state of things consistent with the safety of the constitution? Were the loyal and the disloyal to be put upon the same footing? He would ask whether it were possible, in this state of things, when men were assured that great numbers of the disaffected were meeting to drill as soldiers, and to acquire a knowledge of military manœuvres, that the loyal inhabitants of the country would come forward? Was not the knowledge of such a fact calculated to produce the strongest intimidation? Look to the Duke of Hamilton and Brandon’s letter—what did he say? His grace said, that he had no doubt of the spirit of loyalty existing to a great extent; but he added, “that to the natural difficulty attached to the situation of the farmer, &c., in this country, there appears now a novel one, proceeding from the alarm excited by those who compose the various and numerous meetings in this district of the country.” In other words, that the people literally stood in a state of intimidation, and were apprehensive of avowing their sentiments, lest they should be subject to the attacks of a stronger party. Was this the possession of the freedom of opinion? Gentlemen should consider what would be the consequences of this system of intimidation. It was not the upper classes upon whom this feeling would operate; they were in a situation to look to themselves; but let them consider the temptation to which those to whom the same protection was not extended, he meant men of moderate property, were exposed. Would not they, from the principle of self-preservation, join that party from whom they had most reason to feel alarm? It was not in human virtue—it was not in human firmness to stem the torrent. Let the House reflect how great a danger was to be apprehended from the fear and despondency of the loyal. Let them think how many would rather dissemble their conviction than avow their fears, and amidst increasing enemies, and more dangerous threats, would join the ranks of those among whom alone they would find security. For the conduct of all these persons—for every man become disloyal for want of protection, they, the House, would be responsible. But let them once assure the loyal part of the population of support, and thousands would at once come forward and avow themselves, who would otherwise be compelled silently to yield to a superior force. He came now to a part of the subject upon which he must dwell with more serious apprehensions. His hon. friend had asked to what the change and distress of the people were to be attributed? He had no difficulty in avowing his conviction, that in those districts which were called manufacturing districts, a change had taken place in their manners, and habits, and feelings, and he confessed that he found it much more easy to point out the causes of those disorders than to devise the means of preventing them. His hon. friend had made some allusion to the state of the representation, as being in some measure the cause of the changes which he had described; but he would recall to the recollection of his hon. friend, whether, when the nation was threatened by foreign invaders, the people did not flock in millions to the standard of their country, ready to sacrifice their lives in its protection. Was the state of the representation altered since that period? The hon. gentleman had talked of the distress which prevailed being attributable to his Majesty’s government, or rather misgovernment. If this were the cause, distress must be the same everywhere, for the government was general; and yet it was an established fact, that distress existed only in particular quarters, while all the rest of the country was in a state of general happiness and tranquillity. They found disorders prevail in a distant county to a great extent; but they found Ireland, they found the south of England, they found the north of Scotland generally tranquil; and they found certain districts only, which

had been subject to disorder for many years, in a situation of alarm. Then, ought they not to look for a cause for this alarm to something different from what had been stated? They saw in those districts a manufacturing population, different in their habits, and different in their relations, as far as regarded landlord and tenant, from the population of any other part of the country. Being more populous, they naturally called for a more effective civil power; yet their civil power was more ineffective. They saw people collected in large towns, and a jealousy existing in conferring the appointment of magistrates upon individuals who employed those people—if those individuals themselves did not, from their occupations, feel a reluctance in taking upon themselves so troublesome an office. When they saw, also, the great alternations which took place among the lower orders of prosperity and distress—when they saw the constant vicissitudes to which they were exposed—when they saw their imprudence in not laying up in times of prosperity against times of distress—when they saw, too, that when they had employment they only worked for two or three days in the week, and devoted the rest to dissipation—and when they recollected all the influence which a change in the situation of affairs, of fashion, or of speculation, might produce on the state of these individuals, it could not be denied that they were peculiarly open to the mischievous designs of those demagogues who of late had been so actively engaged in taking advantage of their temporary difficulty, and impressing upon them a belief that their difficulties were irremediable, except by a change in the representation. For these evils, as he before said, he thought it was much more easy to find out the cause than to suggest a remedy. Another reason at this time afforded an additional facility for promoting the views of the seditious—and this was, the state of information to which the public mind had arrived from the more general dissemination of education. He did not mean by this to say one word in opposition to education, or to the more speedy extension of knowledge—there were no greater evils than the evils of ignorance—but let them take care that the greatest blessing was not converted into the greatest curse of the people. Upon the whole, he was of opinion, that the measures which were proposed should be applied to the country generally, and not to particular districts; for he was satisfied if an opening were left anywhere, it would be only affording an additional inducement to circulate in places yet uncontaminated that poison which had operated so effectually and so mischievously in the manufacturing districts. He made his choice between what he considered two evils, a farther restriction on valuable rights, and general anarchy and confusion; and he felt it his duty to attempt, by supporting the measures before the House, to prevent the disorders which now afflicted the manufacturing districts from spreading over the whole kingdom.

In the course of the evening,—

MR. PEELE, in explanation, said, that however mistaken by the noble lord (Folkestone), he thought he had qualified his expressions respecting the meeting at Manchester sufficiently to guard himself from the suspicion of not feeling as deeply as any hon. gentleman could for the calamity of that day. The noble lord had certainly quoted his words correctly; but he appealed to the House, to believe, that though he had in words accompanied the observation with no qualification, yet it was far from his feeling to give utterance to any expression that bordered on inhumanity. He never under-rated the evil attendant on the dispersion of the Manchester meeting, and the only reason why he thought it better than if it had taken another course, was that, if that meeting had not been dispersed, another would have taken place, and a collision might have ensued between the military and the people, in which much more blood would have been shed. He was anxious to state that such was his sense of the transaction, lest his expressions might be misrepresented.

The motion was carried, on a division, by 351 against 128; majority, 223.

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## STATE OF THE MANUFACTURING DISTRICTS.

DECEMBER 9, 1819.

In the debate on Mr. Bennet's motion for the appointment of a committee to inquire into the state of the manufacturing districts of this country,—

MR. PEEL said, he rose to disclaim the sentiment imputed to him by the hon. members for Taunton and Coventry, that parliament had now to make their option between the continuance of British manufactures and the continuance of the British constitution. He had never said any such thing. What he had said was, that while persons were to be found who wished to take advantage of the distresses of trade, for personal objects, he viewed with alarm the state of the manufacturing districts of the country, thus influenced by designing men. He had said that he saw a clear distinction between agriculture and manufactures; that there was a constant demand for food, but not for manufactures; and he had referred to various causes depressive of the working manufacturers, especially the perfection of machinery; but he had never said that which was imputed to him; and, indeed, it would have been a sentiment coming with a very bad grace from one who was so much indebted to manufactures. As to the motion before the House, he had never experienced greater difficulty than he felt with respect to it when he came down to the House; but that difficulty had been removed by the speech of the hon. mover, who had not, as he expected he would do, confined himself to those topics which his humanity would naturally have suggested to him, and abstained from the introduction of all political questions. At the same time he was bound to say, that, had the hon. mover not so acted, he (Mr. Peel) should have found great difficulty in entering on the inquiry, as his feelings would have conflicted with his sober judgment on the subject. What had since occurred in the debate would have confirmed him in the expediency of instituting the proposed inquiry, from the conviction of the impossibility of devising any measure calculated to relieve those who were suffering distress. The hon. gentleman who had just sat down, had adverted to two subjects—the tax on wool and the tax on silk—which he recommended to the notice of the proposed committee. To those many others of a similar nature would, in the event of its appointment, be no doubt added. Now, when it was recollected how long the investigation of a single subject—the poor laws, for instance—took a committee, who could suppose that, considering the multifarious topics into which it would be necessary that the proposed committee should enter, such a committee could come to any practical and beneficial decision? It was not his intention to have trespassed upon the House at such length; but he could not help offering an additional observation or two, in answer to what had fallen from some gentlemen on the other side of the House. It was said that some means of relief ought to be afforded to the poor. He admitted this fully, provided any real relief could be afforded; but in several instances attempts at relief only increased the distress. It was proposed that a *minimum* of wages ought to be fixed. It was impossible to do this with effect, unless an average of human strength could also be regulated. But if a *minimum* of wages were fixed, how could the manufacturer be compelled to give it, or how could he be compelled to give even the smallest pittance? Legislation of this kind was always dangerous, never beneficial. As to the employment of the poor upon public works, particularly in Ireland, his mind was made up on the impolicy of any such attempt. In the first place, where must the public works be undertaken? In the manufacturing districts—in those parts of the country where the public works already completed had been calculated for a period of greater prosperity than the present—no new work could be carried on without additional taxation; and, considering the great want of economy in public works, he would ask if there could be anything gained by taking money out of the pockets of the people for such a purpose, and by which the poor would be ultimately rendered poorer? He was sorry also to discountenance the hope a few appeared to entertain, that something might be done in the way of a parliamentary grant. It was, in his view, impossible; and there was, in truth, no analogy between the cases of foreign sufferers and those of our own nation. Undoubtedly, did we possess the means, our own distressed population had the fairest claim; but from whence were the means to be supplied? Foreign aid was given for some extraordinary and temporary visitation. The situation of our manufacturing districts was not like that of some West Indian islands that had been visited by a hurricane, or like Portugal when devastated by the progress of war. Here we must not only consider the severity of existing distresses, but the causes of them. He was convinced that they were entirely beyond the control of parliament; they were permanent from their nature; and, supposing relief could be given by grant to one district, it would be setting a

dangerous precedent for the rest of the kingdom, which at a future time might make a similar claim. Besides, it would rather tend to counteract the natural checks of increasing population, which, though affording a tardy remedy, was the only one he could discover of affording effectual and lasting relief.

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### CONDUCT OF MINISTERS RESPECTING THE PROCEEDINGS AGAINST QUEEN CAROLINE.

FEBRUARY 5, 1821.

The Marquis of Tavistock rose, pursuant to notice, and, after a retrospective view of the recent proceedings against her Majesty, Queen Caroline, moved the following resolution:—

“That it appears to this House, that his Majesty's ministers, in advising the measures which have led to the late proceedings against her Majesty the Queen, were not justified by any political expediency or necessity; and that their conduct throughout the whole of those proceedings has been productive of consequences derogatory from the honour of the Crown, and injurious to the best interests of the country.”

Mr. Lambton having seconded the motion, and several other members having spoken,—

MR. PEEL rose, and alluding to the speech of Sir J. Mackintosh, who had just sat down, said, that having been absent on every former occasion on which this subject had been before the House, and having now heard the particularly severe terms which the hon. and learned gentleman had applied to the last decision of that House, he felt himself called upon to justify the vote he should give. Having been prevented from attending when the last decision of the House had been given, and having intended, if he could have been present, to take that line which had been so severely animadverted on, he would first state the grounds on which he concurred with that majority of whom the hon. and learned gentleman had said, in the warmth and heat of debate, that they had declared war against the people. The words had been satisfactorily explained by the hon. and learned gentleman to mean only, that the tendency of that vote was hostile to the interests of the people. In that sense they were unobjectionable; and although he had himself felt assured that such had been the meaning attached to them, he was exceedingly happy to hear them so explained by the hon. and learned gentleman. In the situation in which he now stood, he was called on to declare the honest and independent opinion which he had formed, and in doing so, he was utterly ignorant whether others concurred with him in that opinion; he was regardless what impression his opinion might make: this recommendation, however, his opinion had, that he laid his hand on his heart, and said, that he had formed it without reference to personal or party considerations; that it was the result of the deliberate exercise of his judgment, and that it had no other view but the import and justice of the question. He was one of those who could not concur in the propriety of having originally omitted the name of the Queen in the Liturgy; and on this ground—that he saw no inconsistency in inserting, or rather continuing, her Majesty's name in the Liturgy, and at the same time boldly coming forward with a charge of the highest nature. Yet he could not have concurred in the motion of the noble lord, (A. Hamilton,) because it was of an intricate and indistinct character, and because it would have prejudged the question now before the House. It was also an ill-timed motion; because it ought to have been brought forward last session, if at all. The offence, if offence it were, had been committed on the 29th of January last year: why, then, delay a motion respecting it till the 26th of January this year? He could not have concurred in it on another ground. It would have been grossly inconsistent in the House to agree in such a motion, after having last year concurred in a decision to which the noble lord had moved an amendment, which, in substance, was the same as the motion of this session. He would further have voted against the noble lord's motion, because it was calculated to redress no wrong, because it was no object for the Queen to have such a declaration from that House, and because it merely expressed an opinion adverse to the go-



vernment. If it should be said that the consequence of agreeing to such a motion would be the insertion of the Queen's name in the Liturgy, he would say, "Let us have a motion directly for that object." "Let us know what we do." Such an important question as the insertion of her Majesty's name was not to be carried as a corollary to a motion. If, then, that motion contemplated any other result than the one which it professed, for that reason he would have objected to it—but, of the present motion he thought very differently. He thanked the noble lord who made it, and the hon. gentlemen who supported it, for the fairness of the motion, and the manly sentiments with which it had been supported. They had disclaimed any intention to effect by this motion a change of administration, while they fairly admitted that the consequence of a censure of the conduct of ministers in the terms of the motion, might be the removal of ministers, and a change of government. He would not enter into any examination of the necessary or probable consequences of the motion. He cared not what the consequences might be, whether a change of government or a reform of parliament. If ministers had acted in the late proceedings either from vindictive feelings, as alleged by a noble lord on a former night, or in order, according to the charge of the hon. and learned gentleman (Sir J. Mackintosh) to perpetuate their power, he would concur in the motion. He would infinitely prefer a change of government, parliamentary reform, or Catholic emancipation, to supporting in office men who could have acted from such base and corrupt motives, and could have adopted proceedings which all so lamented and deplored, from a mere desire of continuing in office. He dismissed, therefore, every other consideration, and would give his vote on the issue which alone they were to try—that was, Did the conduct of ministers, in the whole of their proceedings against the Queen, call for the grave and serious censure of the House? If their motives were good, though blame might be attached to particular parts of their conduct, he would be justified in giving, as he meant to do, a direct negative to the motion. The case had been so unprecedented; there had been so little light from any other case to direct or guide; the illustrious person against whom the proceedings had been adopted possessed no ordinary mind and character, and acted upon no ordinary feelings;—the House of Commons, reviewing those circumstances, standing on the vantage ground to which the progress of events had now carried them, and seeing distinctly whence every current set in, and every wind blew, would not hastily censure the first commencement and early progress of the navigation. The only fair mode of judging was, to place themselves in the situation in which ministers had been then placed. The house were, in order to judge fairly, to recollect the period to which what is now present was future, and what is now clear was covered in obscurity. He now declared his general concurrence in the proceedings with his Majesty's ministers. It was not in the commencement, in the course, or the termination, that he differed from them. But he differed in many cases from ministers. He had already said that he lamented that her Majesty's name had been excluded from the Liturgy. He had with regret heard it stated, that a palace was not to be provided for the Queen; he had read with regret the answer to her Majesty's demand of a ship of war. Those were circumstances which made a deep impression, not on enlightened minds, but on the great body of the people; they were unimportant and insignificant in themselves, but they were circumstances which, connected with a rank so distinguished, produced the strongest effect on the minds of the people. It was from the consideration of the influence of such little circumstances that Lord Bacon had remarked, that "you sooner perceive how the wind blows by throwing up a straw than a stone." From the refusal of the circumstances of accommodation to which he had alluded, an impression had prevailed that the Queen was the object of persecution. It was an unjust and erroneous impression; but the circumstances he had mentioned had materially contributed to produce it. He now proposed to argue the question at issue on the grounds on which the hon. and learned gentleman who had last spoken had argued it. The hon. and learned gentleman had said that he could get no answer to the question, "Where was the necessity for the proceedings against the Queen?" He was ready to contend that there was no case so clear as the absolute necessity of the proceedings. It had been impossible to allow the Queen, under the charges under which she laboured, to ascend the throne without a communication to parliament. If every privilege had been granted to the Queen—if she had been

placed on the throne—he did not believe that inquiry would have been ultimately avoided: he believed that at this moment they would be discussing the question whether the government ought or ought not to be impeached for withholding the charges which they knew against the Queen. “Where was the evil,” it was asked, “of avoiding all proceedings?” What! was it no evil to place on the throne of England imputed adultery and guilt? Those charges which had been brought forward had, at the period now referred to, been in the possession of government. Would it be no light thing to place at the head of a female society, distinguished for the decencies which formed the charm of female society, a Queen charged with adultery? He spoke only of the charges; he would not refer to the details given in evidence in the other House. of those details he had formed his opinion—he could not help forming an opinion—and in this question he could not help making reference to those proceedings. He admitted the claim which the Queen had, in consequence of having escaped conviction. When he said escaped, he did not mean to say anything further than that the investigation had not terminated in the conviction of the Queen. He was the last person in the world to withhold from one of her Majesty’s illustrious rank, and from an afflicted female, the benefits of an acquittal. But it was impossible for him to come to any decision satisfactory to his own mind, or just to ministers, who were now accused, without reference to the circumstances which had been disclosed. Was it his fault? It might be the fault of no one; but it was the consequence of the motion which was now before the House. Not only, then, was he convinced that there had been a necessity for inquiry, but he felt assured that inquiry must have been the consequence of attempts to evade it. The hon. and learned gentleman who had argued this question with so much ability had asked whether we saw no evil in the advantages given by such proceedings to a vile and degraded faction, and in embodying so much abuse and reproach upon illustrious and royal station? But did he think that the faction whose intent it was to bring into ridicule, disgrace, and infamy, every institution in the country—did he think that that faction would not have turned against the Queen, if not recommended to them by a prosecution, and embodied all the insinuations and charges which could be collected against her? Would they who had seized her arm in order to shake the throne—would they not have propagated, applied, and circulated every degrading insinuation, and asked whether the throne were not disgraced by such a person? He begged not to be misunderstood: he meant only a Queen labouring under such charges. The consequence of attempting to evade inquiry into those charges would have been a motion of impeachment in that House, on the ground that it was impossible for the House to refuse deliberation and inquiry in such a case. If the member for Knaresborough (Mr. Tierney) were in such a case to move an impeachment, it would be in perfect consistency with what he had stated in that House, on the first day of the last session. On the 21st of February last year, when a member had mentioned the Queen’s name, the member for Knaresborough had said, that he would not vote one farthing to a person under such a cloud. Was it possible that the government could have escaped censure if they had neglected inquiry on that occasion? The right hon. gentleman had said, that he would not be satisfied unless ministers should pledge themselves to institute an inquiry next session. Was it possible that the right hon. gentleman could have suffered the Queen to ascend the throne without an inquiry into the conduct of government? The government had charges against the Queen; if, for the sake of argument, he were to admit that it had been wrong to send out a commission to Milan, still the commission had been sent out, and there the charges were in the hands of ministers. Was it impossible for them to avoid an inquiry into the truth of those charges? In his opinion, to have done so would have been the grossest dereliction of their duty. Ministers having fully considered the case, and the Queen having refused the mediation of the House of Commons, it became utterly impossible to avoid an inquiry. If the Queen assumed the appearance of complete and unequivocal innocence, as she must have done, the government must have allowed her the triumph of innocence, or have instituted a prosecution against her. If she assumed complete innocence, which she did when she refused the mediation of that House, would not ministers, with the impression which they had on their minds, have been guilty of the grossest dereliction of their duty, if they had allowed her to ascend the throne with the triumph of innocence?—That, then, being allowed, the only ques-

tion was, what course of proceedings should be adopted. It was but a choice of evils, and to him a bill of Pains and Penalties appeared the most likely on the whole to promote the ends of justice. [Much cheering from the Opposition.] If those cheers meant that a bill of Pains and Penalties ought not to have been the course, he would say, that if the former part of his argument were allowed, it was not only the best, but the only mode of proceeding. His right honourable friend had shown that the Queen could be proceeded against only in parliament. The only modes, therefore, were a bill of Pains and Penalties, or an impeachment. The tenor of his education had not qualified him for discussing this view of the subject; but he would state his opinion, and he had taken some pains to form a correct one. Was it conceded to him that there were but the two courses open, of proceeding by a bill of Pains and Penalties, and proceeding by impeachment? Supposing an impeachment, what, he asked, would have been the consequence? First, a reference must have been had to a committee of that House; next, the Queen must have been unavoidably exposed to all the hardships of an *ex parte* statement; and, lastly, that House would have been called upon to pronounce a direct ay or no on every article of charge. In the unavoidable interval of time that must have occurred between the *ex parte* statement of that House and the final trial, the Queen would have continued exposed to misrepresentation and misinterpretation. He wished it also to be considered, whether there did not exist great doubts of any conviction being obtained, on technical grounds, where an alleged adultery on the part of the Queen was committed with a person owing no allegiance to the sovereign of the country? If there existed grounds for such a doubt, and that on a point of technicality, acquittal must be the result of impeachment; was the great moral offence of adultery to be suffered to escape with impunity, because it was no offence against the law? Besides, was it to be credited, that an individual, sitting in trial on a bill of Pains and Penalties, would not feel himself in honour and in conscience bound to extend to the accused the same benefits as would be derived from the proceeding by impeachment? But even were the verdict of guilty established by an impeachment, it was impossible that it should not be followed by some separate measure, such as a bill of Pains and Penalties. Then he would ask, would a single inconvenience have been avoided by selecting previously the course of impeachment? If ever there were a case of a bill of Pains and Penalties strikingly exempt from injustice, it was the adoption of it in the late proceeding against her Majesty. If ever a state necessity called for the departure from the ordinary rules which govern the administration of justice, it was where a Queen, about to be invested with those dignities which befitted her high rank and station, was charged with a grave moral offence; it was to prevent adultery and high treason from being installed on the throne of this country. It had been asked, where was the necessity of the proceeding? Was there any chance of an heir to the throne—any fears of a disputed succession? Besides, it was said, if offences had been committed, they were committed, not in England, but on the Mediterranean Sea. He could lay no stress on such considerations; if they were committed at all, or if there were good grounds of suspicion, he contended that they furnished grounds for inquiry, and, if guilt were established, for preventing the exaltation of the Queen to that august station which, as a Queen Consort she would otherwise enjoy, presiding as she would then over the female society of the country, its example, its grace, and its honour.—He could not recognise in the proposition made at St. Omer's, or in the subsequent acquiescence of his Majesty's ministers in the motion of the hon. member for Bramber, any proof of the bitter and vindictive feelings against the Queen, with which they were charged by the supporters of the present motion. On the contrary, he recognised in such conduct a disposition to make great personal sacrifices, even a sacrifice of their own consistency [a laugh]—he repeated, their own consistency, for the purpose of preventing the necessity of a course which they felt must be attended with painful disclosure, and great public agitation. In place, then, of bitter feelings against the Queen, they were ready to make every sacrifice that was not inconsistent with their own honour. It might be asked, whether the proposition at St. Omer's were a wise or an unwise course? Though he might not, because it failed, consider it unwise, it might, however, be considered unfortunate. A different character attached to measures, undertaken with great prospect of success, and subsequently considered through the medium of failure. If that offer had been accepted,

it would have been a wise measure; and, arguing upon the probable effect of human motives, that acceptance might have been fully expected; but because it failed, and because he was instructed by the subsequent evils, and made wise by experience, was he, therefore, justified in turning round and blaming the government? And did not such censure come rather with an ill grace from those who deprecated the agitation of the subject at all? One would have supposed that the more forcibly they felt the evils of such agitation, the less disposed they should be to visit with censure the government for endeavouring to prevent them. There remained one other topic on which he was anxious to offer a few observations. He had never, on any previous subject, heard so many admonitions and warnings delivered to that House—he might say menaces—against its persisting in the line of conduct in which it had commenced. They were told to direct their consideration to the extent and influence of public opinion on this subject. He trusted that that House, notwithstanding all these warnings, would regulate its decisions by its own honest conviction. Nothing would so fatally disqualify them from filling the character of legislators and statesmen as that they should stand shivering in every fitful breeze of popular feeling, and not discharge their obligations to the country by a just and necessary reference to the intrinsic merits of the question itself. If they studiously looked to the subject, they would feel it difficult to define what was meant by the phrase of “popular opinion;” the more they canvassed its character, they would find it fickle, inconstant, and ungrateful—fickle and inconstant, because what was now termed the public voice would be in the course of three months wholly different—ungrateful, because if they allowed themselves to consult its will—founded as it was on passion, and not on reason—their very acquiescence would be hereafter quoted as an accusation against them. When he disregarded public opinion, it was that character of it which the advisers of the Queen, in the answers to addresses, were so studious to conciliate. In alluding to those answers, let it not be supposed that he was not willing to make every allowance for the situation of the Queen. It was not of her, but of those advisers, who were not under the influence of such feelings, that he complained. He deprecated their conduct, as not less injurious to her Majesty than it was to the country. But whatever might be the extent of that public voice, thus excited, he trusted that parliament would never so far forget its duties as to adjust its judgment to the model of their passions, but would form its opinion on a sound, deliberate, and honest conviction of the real merits of the question.

The debate having been adjourned, was resumed on the succeeding day; and, after a very long discussion, the House divided: ayes, 178; noes, 324; majority against the motion, 146.—Adjourned at half-past six in the morning of February the 7th.

## ROMAN CATHOLIC CLAIMS.

FEBRUARY 28, 1821.

A number of petitions having been presented in favour of the claims of the Roman Catholics, Mr. Plunkett moved, “That this House do resolve itself into a committee of the whole House, to consider the state of the laws by which oaths or declarations are required to be taken or made as qualifications for the enjoyment of offices, or for the exercise of civil functions, so far as the same affect his Majesty’s Roman Catholic subjects; and whether it would be expedient, in any and what manner, to alter or modify the same, and subject to what provisions or regulations.”

Mr. Denis Browne having seconded the motion,—

MR. PEARL said, that nothing but the mode of argument pursued by the right hon. member, and the direct personal interest which he took in a mode of attack so novel and unusual, induced him to rise at that early period of the debate. He was aware that he should justly incur the charge of presumption by following the right hon. member under other circumstances, but the necessity of defending himself on an occasion when he was so directly assailed, would be his apology to the House. He knew well, that under any circumstances, his adversary would be an overpowering antagonist; but under the present, when he replied to a speech which he [Mr. Pearl]

had made four years ago, and which he, having the power of tearing it to pieces then, by that extraordinary faculty of reasoning which he possessed, chose to leave unanswered until that night, when, besides his great talents, he had every other advantage, the difficulty was beyond calculation increased; but whatever the disadvantages might be, he was resolved to attempt a reply to the right hon. gentleman, who had ushered in his arguments by reference to the opinions of so humble an individual as himself. In attempting to follow him, he would first allude to that subject with which the right hon. gentleman had prefaced his powerful speech, when he paid that feeling and eloquent tribute to the memory of the departed senator under whose auspices this question had been first brought before the English parliament. He felt it his duty to state, that all which that eulogium said of the late Mr. Grattan, had his full and heartfelt concurrence. There was not a word of it to which he did not fully subscribe. It might seem presumption in him to follow the orator who had so well characterized departed worth, and arrogate to himself the right of praising so great a man. He had not, like the right hon. gentleman, enjoyed with the subject of his eulogium those early habits of intimacy—he had not maintained with him that political relationship—that unity of public object—that *necessitudo sortis*, as it was expressed by an elegant writer, which tended to draw so closely the alliance of the intellect and the heart. Though such was not his knowledge of the late Mr. Grattan, he knew him sufficiently enough to be able to concur in every thing which his eloquent friend said of him, and felt that he had not exceeded the strictest truth in bearing testimony to the lustre of virtue and of talent by which he was so eminently distinguished. He wished to convince those who were not so well acquainted with him, that a feeling of affectionate regard had not made him estimate too highly the merits of that ornament of his country, nor had he been seduced by the partiality of private friendship to over-rate the splendid qualities of his character. As to his conduct, whether in public or private life, there was no one who admired him more than he did. He was going to say, that he was his political opponent; but he could not with propriety make use of that term. They had differed, indeed, on that unfortunate question; but they were in nothing else so much at variance as to be political combatants. But whether in opposition or not, there was in Mr. Grattan that mild dignity which obtained him universal respect; while, to quote his own expression, his “desperate fidelity” to his cause gained him universal admiration. But of all his great qualities, none was more apparent than his readiness to give up whatever interfered with his public duty, and even to sacrifice a part of his reputation, where a great public principle required it—a quality which had justly been described as the peculiar characteristic of great minds. But, while the country had to lament the loss of Mr. Grattan, he must be allowed to say, that the great question which the vigour of his mature genius, the decline of his life, and even his departing breath, had advocated, met with a congenial supporter in the person of the right hon. gentleman, one fit to be the successor of the eloquent and intrepid statesman who had preceded him, and one, than whom no man was more worthy to wield the arms of Achilles.

He would now proceed to remark upon the arguments of the speech which had called him up; but he begged leave to premise, that if any gentleman supposed he rose to express an unqualified satisfaction at the state of things as they now existed, or that he was ready to take a temporary advantage, not of argument, but of prejudice, and, like a skilful disputant, to turn to his own account whatever not reason, but prejudice, could call to his aid, he laboured under a great mistake. He had never viewed the question but as a choice of evils; nor had he been ever satisfied with the alternative proposed; but it had grown out of the anomalous state of society which he found pre-existing. He had selected that which he thought the best mode of remedying the evil, under the actual circumstances, without, by any means, looking on it as perfectly satisfactory. He had never thought the mode absolutely good in itself, but as a refuge from greater evils. This statement was not new—he had expressed it before. When the right hon. gentleman said that he (Mr. Peel) was so pleased with the state of this question as it had been left in 1793—when he alleged that he was so delighted with the situation of things, could he think that he contemplated the subject with unqualified satisfaction? Did he suppose that he viewed it with perfect complacency? No; he never could hear those names mentioned

which were ranged in authority against him, as they had been cited in this instance. and feel altogether satisfied. He did not stand there to take any sophistical advantage of the arguments of his opponents. It was not the love of victory, but the sincere desire to state his honest conviction, which made him come forward; and, if he could be actuated by any sordid and base spirit of opposition, he would be ashamed, with those great names against him, to look that House in the face. The authorities which had been referred to, made it the paramount duty of every man to examine the grounds of his opinion, and to ascertain that no interested views, no ideas of visionary danger, no irrational hostility to a great class of his fellow-subjects, influenced his decision. But if, after such a close and scrutinizing examination of their own motives, he and his friends found it necessary still to retain their opinions, he would trust to the liberality of the right hon. gentleman for doing them the justice to suppose that it was in the fair and candid exercise of a free judgment, concerning matters most important to the religion of the state, that they ventured to differ from him and the great authorities which he had cited. He must repeat that there was no alternative but that which he had pursued.

The right hon. gentleman had declared that every subject of the realm had a right to office; and in order to furnish ground for excluding him, it was necessary to show from the circumstances of the country, some great and paramount danger. On this point he was at issue with him; he was decidedly of opinion that it was not the right of any subject to enjoy every office; and if he erred in this opinion, he had the consolation of erring with men whose names ought to have great weight with that House. When the right hon. member applied his principle as an argument for the removal of the civil disabilities under which the Catholics laboured, he had a right to consider to what extent that principle might be enforced; and, therefore, he must say, that if it were to be taken as an argument for conferring on the Catholics a capacity for office, there was no reason why it should not admit the various classes of Dissenters to the enjoyment of the same right. Under any circumstances, but particularly after the principle laid down by the advocate of the Catholics, if a permanent right of this kind were acknowledged in the one body, one equally permanent and co-extensive must be recognised in the other. This being taken as granted, what would be the inevitable consequence? Why, it would be necessary to repeal the Test and Corporation Acts—not to modify, but to destroy their operation by a total and unequivocal repeal. On this point he had great authorities who dissented from the right hon. member, or, at least, who were hostile to the consequences which flowed from his argument. With him, on this subject, were Mr. Pitt, Mr. Burke, and, he believed, Mr. Windham. When a proposition was made, in 1791, to repeal the Corporation and Test Acts, Mr. Pitt said they were the bulwarks of the Church of England, and denied the soundness of the doctrine of Mr. Fox, which was that which the House had just heard. Mr. Burke resisted the repeal, though not on the same grounds; he said that on two former occasions, when the repeal of those Acts was proposed, he staid away from the House because his mind was not made up on the subject; but he stated, in 1791, that although he would have voted for the repeal ten years before, he saw then in the existing circumstances of the country, sufficient cause to induce him to vote against it. Thus it was evident that Mr. Burke, whose authority was so high, had seen something in the conduct of the Protestant Dissenters which made him apprehend danger, and caused him to deny the permanent right of eligibility to office in that class of our fellow-subjects. He had that night heard another authority quoted, as being favourable to the removal of the disabilities which affected the Catholics. He meant Blackstone; but he would ask the noble lord who had cited Blackstone, and who stated that he had law as well as religion on his side, whether he had read the chapter which contained the passage he had quoted, and which had been written with so different an intention? The learned commentator on the laws of England, when he said a time might arrive when it would not be amiss to review and soften those rigorous edicts, alluded to the penal laws as distinct from the excluding statutes; and he went on to say, that there were two Acts, the Corporation and Test Acts, which were the bulwarks of the church against perils from non-conformists of all denominations, and under the last of these the Catholics were excluded from office. But a note of the commentator upon the learned judge stated, "That now, by the statute 31st Geo. III., chap. 32nd, which may be

called the Toleration Act of the Roman Catholics, all the severe and cruel restrictions and penalties enumerated by the learned judge are removed." Thus it was evident that Blackstone meant only the penal statutes inflicting a punishment, and not the excluding ones, which only disabled from office.

But the right hon. member had declared it to be alien to the spirit of the constitution, that any liege subjects of the realm should labour under civil disabilities. He had alluded to times antecedent to the era of the Reformation. Arguments, however, drawn from such a period, had no weight with him; he could not allow them to affect the present establishments of the state. It should be recollected that before the Reformation, the Catholic religion was the established religion of the state. The imperfect state of civil information, the arbitrary principles entertained by the sovereign, but above all, the circumstance of the Catholic religion being the established one, made references to that period lose all consideration with him. But the fact was, the present situation of the Catholics began with the Reformation. The 1st of Elizabeth required every one in office to take an oath, which asserted that not only no foreign state had a jurisdiction or dominion in this realm, but also that the Queen had supremacy and dominion as well in ecclesiastical as temporal matters. The 5th of Elizabeth required the same oaths, and the admission of spiritual as well as temporal power of the Queen. Would the Roman Catholics of the present day take that oath? If they would not take that oath, why, he would ask, were they less objects of jealousy than the Roman Catholics of that day? Did any one think that the object of that statute was not to exclude the persons not taking that oath from power? In the course of the debates upon the repeal of the test against transubstantiation, it was argued that no Roman Catholic had sat in parliament from the reign of Elizabeth to that of Charles II., because the oath of supremacy was effectual. If that were the reason of preventing any Roman Catholic from sitting in parliament, it would be now rather too much to say that there was no intention to exclude.

He would pass over the reigns of Charles II. and James II., and come to the period of the Revolution. On the doctrines professed and acted upon at that period he would rely, that no such unqualified right of the subject to office as that contended for by the right hon. gentleman had been recognised. He relied on the authority of the greatest names in stating, that there was a clear distinction between toleration and power, and between laws which imposed penalties and those which only excluded from civil offices. At the Revolution it was never supposed any man could regard such exclusion as a disgrace; nor was it believed that such exclusion rendered him unfit for the purposes of civil society. It was not because such a principle was maintained at the Revolution, that he thought it ought now to be upheld; if his own conviction of its propriety did not go along with it, he should not advocate it on that account. If it were mentioned in the Bill of Rights even, he would disclaim it, if founded in injustice; and he would claim on the part of the legislature of the present day, the right to repeal it. When he referred to the Bill of Rights, he did so for the purpose of showing that it acted upon the principle of exclusion, which was recognised at the Revolution. He had heard in the last week from an hon. and learned member opposite, a warm and just panegyric upon King William, whom that hon. and learned gentleman (Sir J. Mackintosh) had described as the advocate of toleration and liberality. He had heard that hon. and learned gentleman ridicule the charge of illiberality made against King William. To the justice of that eulogium he would subscribe; but he would beg leave to ask what were the opinions of that prince in 1687, when he was consulted upon the Test and Corporation Acts. It was proposed to him, if he would consent to the repeal of those Acts, that King James would do all in his power to secure to him the throne; that his friends would be put into power. But what was the opinion of this person who was held out as the advocate of toleration and liberality? Did he admit the unqualified right of every subject to office? Did he think it necessary to exterminate the religion, or that he fixed a badge of infamy upon Roman Catholics because he did not admit them to power? Hear his own words, in the letter which king William had written in the year 1687, before he came to the throne, and before he was fettered by a party anxious for the exclusion of Roman Catholics. The letter said, "If his majesty thought fit further to desire their highnesses' concurrence in the repeal of

the penal laws, they were ready to give it, provided always that the laws which shut out Roman Catholics from parliament and all places, should remain in full vigour; but their highnesses could not agree to the repeal of the Test laws, which were enacted for the security of the Protestant religion against the attacks of the Roman Catholics; and in this, they did not think they could be said to carry any severity against Roman Catholics, as the qualification for a member of parliament was a declaration, before God and man, that he was for the Protestant religion." Could any distinction between penalties for the profession of a religion and exclusion from parliament, be more clearly expressed? He hoped the House would not infer from this, that he subscribed to all the doctrine contained in that letter; as he only quoted it as an authority in contradiction of the argument of the right hon. gentleman. King William further stated, "that he would be glad to see some good reason for repealing those laws, which were enacted for no other purpose than that of preventing the Roman Catholics from overturning the state, as these laws inflicted neither fines nor punishment, and only excluded from power those persons whom the experience of every day showed it would be dangerous to trust, since all persons in public employments more or less favoured the advancement of the religion which they professed?" He would ask nothing more than the authority of King William for the vote which he should give, provided he saw there were rational grounds for that opinion. But there were other opinions on which he would infinitely more rely, to show that the principles of the right hon. gentleman had not been recognised by the British constitution, and that it was not admitted by those most competent to judge. The right hon. gentleman said, "Do you find in the Bill of Rights any exclusion?" He would ask the right hon. gentleman—Do you find in the Bill of Rights any unqualified right to office? Did not the right hon. gentleman find that in the three first articles of that bill it was stated, that James had arrogated to himself a dispensing power? He knew it was perfectly consistent with the principles of these men to call into question that dispensing power, even if it were exercised in dispensing with bad laws, and he did not therefore draw any argument from it. He only wished to show that in the recital of the Bill of Rights the dispensation of the laws which excluded Roman Catholics from power was noticed.

He must now, even at the risk of wearying the House, call their attention to the authority upon which he mainly relied. Soon after the accession of King William, an Act was passed, tolerating the Protestant Dissenters, and this was sanctioned by men who entertained no extravagant opinions of Louis XIV. or the power of the Pope. An attempt had been then made, by introducing an act of occasional conformity, to exclude those Dissenters. The Test Act only required conformity at the time of entering into office, and it was only necessary once to take the sacrament in order to comply with that act; and after entering into office, the person might go to a meeting-house. This act for occasional conformity passed the House of Commons in 1702; but it met with great opposition in the House of Lords. A conference took place, and managers were appointed by the Lords and Commons to conduct that conference—the Lords opposing, on the ground that it trench upon toleration. He would beg leave to mention the names of those appointed by the Lords. He thought their authority would have weight with that House—Lords Peterborough and Halifax, the Bishop of Salisbury, the Duke of Devonshire, and John Lord Somers, were appointed by the Lords; and he should now beg the House to weigh well the arguments of these men. Did they think the church in danger? In the year 1705, he would quote the words of a resolution agreed to by these men. He quoted it merely to show that they had no apprehensions from the power of the Pope or of Louis XIV. It stated that "the Church of England, as by law established, which had been rescued by William III. of glorious memory, was then in a most safe and flourishing state, and whoever insinuated the contrary was declared an enemy to the Queen, the church, and the kingdom." At that time the very distinctions which he had that night been urging were drawn between penal laws and laws of exclusion.

The right hon. gentleman proceeded to argue, that if the doctrine which was then admitted were allowed to be correct—namely, that it was proper to exclude from office such as entertained sentiments not in accordance with those of the Established Church—he had a right to apply it to the present case, and to use it as one ground of objection to the present motion. But, independently of that objection, he wished



to know how far the right hon. member wished to push the principle which he had that night advanced, as also the reason which he had for applying an oath as a test to those who, he was well aware, were not allowed by their principles to take it. A certain class of dissenters would not take an oath at all, and the legislature had permitted their declaration in all civil cases between man and man, to have the same validity as an oath. The House would see that he was alluding to that loyal and respectable part of the community—the Quakers. Now, the House required of them the same oath upon admission to office as it did of the Roman Catholic; and their inability to take it, had acted upon them as an exclusion from office. He was not putting any fictitious case; circumstances had occurred in which their refusal to take the usual oaths had disqualified them from discharging duties to which they were otherwise fully competent. A Quaker had actually been elected a member of that House, but he had not been permitted to sit in it, because he would not take the usual oaths. Now, he would ask the House whether, in the case of the Quaker, they had any fear of his being influenced by the pope or by any other foreign power? He was sure that the House entertained no such fears; on the contrary, it was well known that the Society of Friends exhibited in their conduct a pattern of everything that was virtuous and amiable. In saying so, he meant them no flattery—he only did them the justice they deserved; and he was glad to have an opportunity of bearing his testimony to the generous manner in which they devoted their time, their money, and their labour, to the furtherance of every humane and charitable object. If, however, the Roman Catholic were admitted to a seat in parliament and to other offices, in the way proposed by the right hon. member, so also must the Quaker; and the principle which would be asserted by such an admission would lead to the introduction of such innovation upon the British constitution, that he, for one, must be permitted to oppose it. In doing so, he trusted that the House would not consider him as acting upon any intolerant or bigoted prejudices. He could assure the House that he was actuated by no such motive. He opposed the present motion, because, if it were granted, and danger should originate from it, the evil done would be irremediable. The present motion was, to introduce into the statute book a new set of laws, conceding privileges and granting rights to those who did not now possess them: as such it was entitled to their most serious consideration. The House should recollect that they were legislating for posterity; and he, in doing so, could not shut his eyes to the danger in which such a proposition as the present might possibly involve the country.

He would admit, for the sake of argument, that none of the dangers against which the present penal laws were intended to guard the community at present existed; but, was it altogether certain that no others would arise in the lapse of years? Acting as a legislator, he was obliged to look at the history of the past; and reverting to it, not for the purpose of re-kindling the smouldering ashes of religious animosity, but for the purpose of directing himself with regard to the future, what was the result which it placed before him? He would shortly inform them. For the penal laws enacted in the reign of Queen Elizabeth, he found that the claim made by the pope to a supremacy over the kingdom was the alleged cause. No such claim, and consequently no such cause, at present existed. In the reign of Charles II. no danger was apprehended from the pope; but much danger was apprehended from a king indifferent to all religion, and who had among his counsellors a Lord Arlington and a Bennet. In the reign of James II., the ground alleged for the penal laws then enacted was a king attached to the Roman Catholic religion, and doing every thing in his power to promote it. In the reign of William, the danger was of another species. There was no apprehension of the pope; there was no desire on his part to maintain King James against King William; on the contrary, it was said, in one of the histories of that day, that whilst he was giving to the ambassador of James chaplets and indulgences for his master, he was giving money nominally to the emperor, to assist him in his wars against the Turk, but in reality to support William in his newly acquired kingdom. In the reign of Anne, the penal laws were justified by the danger arising from the policy of Louis XIV., who was doing all he could to destroy the power and prosperity of England, and who was acting in concert with a dangerous and discontented domestic faction. If, then, at five different periods, there had been five different dangers against which the penal laws were enacted as securities,

how could he be certain that other dangers might not arise, even though he did not at that period see them, against which it would be necessary to use similar precautions?

The right hon. gentleman then proceeded to state, that it had been asked of him and other gentlemen who supported the same opinion on this question as himself, what had the state to do with religion, and why did it interfere with the direction of men's consciences? The state, he was ready to grant, had no concern with religion, when religion had no concern with the state. But in making laws to govern this moral and religious country, was he to exclude from his notice all considerations of religion? Was he to be told that he was not to meddle with any measures that were calculated to affect men's consciences? Was he to be informed that such interference was unnecessary, or that it had never been previously exercised? If so, how stood the fact with reference to the past? Was it from the pages of the history of England that hon. gentlemen had gleaned their information? or from those of Scotland? or from those of Ireland? or, last of all, from those of the three constituent parts of the empire collectively? Where was it that they found that among the motives which influenced men as political members of society, religion was not one? It could not be in this country: for what was it then which induced the right hon. gentleman, in bringing forward the present motion, to proclaim his attachment to the church of England? Why did he think it necessary, in order to guard himself against all misrepresentations, to declare that he believed the church of England to be pure and holy, and most wisely established? Why, except that he saw the great importance which was attached to such declaration, and the great influence which religion possesses over the minds of our countrymen? Was he to be told, that he ought on so momentous a question as the one then before the House, to leave out of his consideration the influence which religion was certain to exercise even upon affairs of a temporary nature?

The next topic to which he should refer was, the observations which the right hon. gentleman had made upon the speech which he had delivered upon this question in 1817, in his place in parliament. He must complain that that speech had not been fairly treated, inasmuch as the right hon. gentleman had forgotten to state that it was made with reference to the bill introduced into that House in 1818. That bill was founded on a resolution of the House, declaring that it was expedient to go into a committee to deliberate upon some modification of the present penal laws that would be productive of satisfaction and conciliation to all classes of his Majesty's subjects. A great part of what he had said in 1817 was in reference to that bill; and his principal objection to it was, that the arrangement which it proposed was not calculated to produce satisfaction and conciliation among all classes of his Majesty's subjects. If he were asked what were the dangers which he apprehended from the passing of that bill, he would refer to the bill itself, of which full three-fourths were occupied in taking securities against apprehended dangers. He would put it to the candour of the right hon. gentleman, and would call upon him to state whether he thought that if that bill had been persisted in, which he had said gave political power to the Catholic on conditions to which he thought that the most zealous Protestant could not object, and to which the most inimical Catholic could not refuse to accede, it could have been carried into execution in Ireland. Would greater difficulties have been found in carrying its enactments into effect among the Protestant or the Catholic part of the population? That right hon. gentleman had even called upon the House to suspend the usual course of legislation, and to wait until it knew whether the Roman Catholics would or would not acquiesce in its provisions. Was he right in stating that, if they had done so, the Catholics themselves would have prayed for the rejection of the bill? Was there not a general feeling of disapprobation excited against it, not only among the clergy, but even among the laity? Did they not say that they would prefer to labour under their present disqualifications rather than accept emancipation upon such terms as were then offered to them? Had not the House the authority of the pope, that the Catholics could have accepted them without incurring his disapprobation? And yet, notwithstanding such a declaration from such a quarter, was not the bill itself considered as most objectionable by the Roman Catholics of Ireland? After such a steady refusal, originating from an honest and praiseworthy attachment to principle, of advantages which they had long wished

to acquire, would he be justified in excluding from his consideration the influence which such a religion must exercise upon the minds of those who professed it?

But the right hon. member had insinuated that he had accused the Roman Catholics, in a body, of perjury and disloyalty. He begged leave to say that he had done no such thing. It had always been his wish to discuss the present question with calmness and temper, and no man could be more unwilling than he was to condemn large bodies of men on account of the violent language adopted, from interested motives, by some of their members. There might be some obliquity of intellect in him that prevented him from seeing the propriety of yielding to the wishes of his Catholic countrymen, but he could assure the House that there was no hostility to them in his bosom. Indeed, he should be guilty of the utmost ingratitude and illiberality, if he could include any set of men from whom he had received such assistance as he had done from the Catholics in Ireland, in any one sweeping charge of disloyalty or perjury. Allowing them, however, to be as loyal as any of their Protestant countrymen, and to be equally as incapable of falsehood and perjury, he still must maintain the doctrine advocated by Lord Somers, that it was only reasonable that persons who were to be intrusted with high office, or with legislation, should give security for their attachment to the doctrines of the reformed religion. He did not charge the Roman Catholics with being less able to discharge their social duties with propriety than other individuals; but he was sure that if he were to be acting upon the same principles as those for which he gave them credit, and to be placed in the same situation with regard to the established religion of the country, as they were now placed, he could not feel an attachment to that religion which had displaced his own, or refrain from a wish to replace his church in the proud situation which it had formerly occupied. Was there anything, then, in the doctrines of the Catholic religion, or anything in the past behaviour of its professors, which was calculated to exempt them from that suspicion which he owned that he himself should have deserved had it been his fate to have lived in a Catholic country.

But though these apprehensions might be entertained, this he would admit, that so little was he satisfied with the present condition of Ireland, so anxious was he to remove all causes of dissension, both political and religious, from her inhabitants, that if he thought that the present measure would act, he would not say as the panacea to her distresses, but as an operative to restore that concord which he was anxious to restore to her, all his fears of danger to the church would give way, and he would be the first to hail the success of the present motion, as a happy omen of future happiness and tranquillity. The right hon. member, he was sure, would observe that he had admitted the state of Ireland to be a dangerous state; for he was well aware of the political animosities which prevailed in it, and the religious jealousies which distracted its inhabitants, and no man could reprobate more than he did the existence of any system within it which tended to promote the interests of one class of men at the expense of those of another. On this point he believed that justice was done him even by those whose claims for emancipation he felt himself bound upon principle to resist. For he could not review the past history of England and Ireland—he could not revert to the gallant struggle for mastery which had long been carried on between them—he could not recollect the perpetual transfers of power, the repeated confiscations of property, and the constant bickerings between the Catholic and Protestant interests of the country—without thinking that they were sufficient to produce that degree of animosity between the contending parties, which the right hon. member had attributed to the penal laws alone. He trusted that the progress of mutual refinement and civility, among the inhabitants of Ireland, would lead to that general harmony among them, which he should vainly hope to see attained by the relaxation of that penal code, which it was the object of the right hon. gentleman to repeal. There might, indeed, be other causes, besides religious animosities, which were calculated to retard the growing unanimity of the people of Ireland. There might be commercial and other laws, which had alike a tendency to keep alive popular fermentation. Admitting such to be the fact, it might be said, why then resist this single act of concession, this step towards the attainment of a more general spirit of harmony among the different classes of his Majesty's subjects? His answer was, that he did not concur in the anticipation of such a result; he did not think that the repeal of the laws affecting Roman Catholics would harmonize contending and conflicting feelings.

He did not wish to touch prospectively upon the consequences of intemperate struggles for power; he did not wish to use language which might be construed into a harsh interpretation of the acts and objects of men who pursued a career of ambition; but he must say this, that if parliament admitted an equal capacity for the possession of power, between Protestant and Catholic, in this empire, they would have no means of considering the state of the population, of securing that equal division of power, which was, in his opinion, essential to the stability of the existing form of government. The struggle between the Protestant and Catholic would be violent, and the issue doubtful; if they were to be sent forth together as rival candidates, with an equal capacity for direct parliamentary representation, so far from seeing any prospect of the alleviation of points of mutual difference, he could only anticipate the revival of animosities now happily extinct, and the continuance, in an aggravated form, of angry dissensions now happily gliding into decay and disuse. [Hear, hear.] If the consequence of this alteration of the constitution should be accompanied with an alteration in the duration of parliaments—if, instead of sitting for seven years, they were to sit but for three—then again would the more frequent collision of Protestant and Catholic furnish a still greater accession of violent matter to keep alive domestic dissension, in every form in which it could be arrayed against the internal peace and concord of the country.

These were his honest sentiments upon this great important question. They were uninfluenced by any motive but an ardent anxiety for the durability of our happy constitution. He spoke his own sentiments, without attending to the apprehensions of others, for he had taken no pains to collect what might elsewhere be the feeling of persons who thought upon this subject. Much had been said, both upon this and another subject, of the opinions which prevailed out of doors. Of these, or of the impressions which they diffused, he was perfectly careless; and upon that point he should say, that if this bill succeeded, and eventually revived hostile feelings among the people of this country against the concessions which it involved, he for one should not appeal to that angry spirit, if it arose against the principle of the bill. If the people of England became roused by its success, he should deprecate on this as well as he had done upon any other occasion, an appeal to their excited passions upon the wisdom or the justice of the measure. Against such appeals he should always set his face, believing, as he did, that the deliberative wisdom of parliament was better calculated to weigh maturely the important bearings of any great question, than the general opinions of parties elsewhere. If he thought the claims contended for were formed to promote the good of the state, the whole voice of England out of doors should not dissuade him from admitting the necessity of their adoption. It was because he thought the motion not calculated to promote any good purpose, that he was prepared to oppose it to the utmost of his means. His opinions and his duty here coincided, and upon them he meant consistently to act. Upon this occasion he had declined resorting to any influence to counteract the fair consideration of this question. He had been, it was true, consulted about the means of opposing it; and he now solemnly declared that his advice was expressed rather against than for petitioning to impede the bill. He had told the parties by whom he had been consulted, that he cared not for their petitions—he valued them not; for, in his view, the House of Commons were fully competent to decide upon the whole merits of the case, unaided by external assistance. He thought they required no illumination from without, to enable them to form a sound decision upon whatever question was submitted to their consideration. This being his opinion, he had given no encouragement to counter-petitions upon this great question. He could most conscientiously assure the House, that no result of this debate could give him unqualified satisfaction. He was, of course, bound to wish that the opinions which he honestly felt might prevail; but their prevalence must still be mingled with regret at the disappointment which he knew the success of such opinions must entail upon a great portion of his fellow-subjects. If, however, on the contrary, the motion succeeded, no man who heard him would more cordially rejoice should his predictions prove unfounded, his arguments groundless, and that the result should exemplify the sanguine expectations of the right hon. mover, and give an increased confidence to all classes of his Majesty's subjects, in that interesting country in which union and harmony were most desirable.

On a division, the motion was carried by 227 against 221; majority, 6.

The House went into committee on the 2nd of March; the resolutions of the committee were agreed to; a bill was ordered to be brought in thereupon; and the House, on the motion of Sir George Hill, was ordered to be called over on the 16th.

## ROMAN CATHOLIC DISABILITY REMOVAL BILL.

MARCH 16, 1821.

In the debate which arose on the motion for the second reading of the Roman Catholic Disability Removal Bill,—

MR. PEARL rose immediately after Sir J. Mackintosh, and observed that the hon. and learned gentleman had stated, that the exclusion of the Roman Catholics from places of civil trust and power, after having given them rank in the army and navy, was an anomaly unparalleled in the civilized world. Now, he thought, he could cite a parallel to such a case. The same arguments used by the hon. and learned gentleman had been used to William III., on the subject of his exclusion of the Catholics from civil offices in the United Provinces, while at the same time they were eligible to fill the highest rank in the army. To those arguments William answered, that he admitted the anomaly, but that he thought it unfair to exclude them from offices in the army, in which they had so honourably fought; but that no danger could accrue to the state from thence, so long as the government was in the hands of Protestants. But it was said, that by the concessions given in the act of 1817, grounds had been established for further claims. It was true, that parliament had granted those concessions, not foreseeing at the time that such grant would ever be made a ground for a charge of inconsistency in not granting more. He contended, that there was no such understanding at the time when Catholics were made eligible to offices of high rank in the army and navy: no such principle was recognised when that measure was first brought forward in 1807; and this was the understanding in which it was supported by Lord Howick, now Earl Grey. That noble lord then stated, that he trusted the limited measure proposed might be brought forward without the objections which were made to the general question; and that, considering what had been previously said on the subject by the chancellor and secretary for Ireland, we had a right to pass such a measure. Now, if the House had granted those privileges, so far as the army and navy were concerned, on grounds wholly different from those which were urged in support of the general question, was it fair to urge such concessions at the present moment as a reason why we should grant more? As to any argument founded on the opinions of the Irish bishops, he meant to take no unfair advantage of it; but if it were said that they were silent for seven years on this subject, he would observe, that the bill had not been printed seven days, and that, therefore, they could not have had time to declare their sentiments upon it.—With respect to what had been said of the principle of exclusion fixing a brand and stigma on the Catholics, he would repeat what he had formerly said, that there was a grand distinction between exclusion and punishment; and, though the principle of exclusion might be continued, it did not follow that we meant to disbelieve the oaths of the Catholics, or to fix a brand upon their brows. He would admit that political exclusion was in itself an evil—that it was an evil to be obliged to refuse the services of a great portion of the people, and to debar their access to power—and that it was not the mere possession of office, but the hope of possession, and the laudable ambition to which that hope gave rise, which were to be considered in the question of exclusion. Nor would he admit, because our ancestors had acted upon that principle, that it was less an evil; but what he would maintain was this, that it would be a greater evil to do away the exclusion than to continue it. He hoped he had stated this ground of argument fairly as it applied to the question before the House. He would not now go into the question as it applied particularly to England: he thought himself bound to consider rather its application to Ireland. In viewing the question as it applied to that country, the right hon. gentleman would not deny that an important and essential ingredient in it was, the maintenance and support of the Protestant church in that country. The right

hon. gentleman had asked, what danger remained to the Protestant church in Ireland? and he had answered himself by stating, that all the danger which had existed would still remain if this bill were not carried; but that by the passing of this bill securities would be granted to the established church. Now, the security which he offered was, the conferring on the Catholic equal power with his fellow-subject. There were three sorts of power which it was intended to confer on the Roman Catholics: the first was, that which the common law annexed to the possession of property, and from which certain acts had hitherto debarred the Roman Catholics, but which by this bill were to be restored to them: this was, the power of voting at parish vestries, the power of voting for the repair and building of churches, the election of churchwardens, and the payment of subordinate officers. He would ask whether in a country where there were five Roman Catholics to one Protestant, this power ought to be given to them? Here, without imputing any opinions to Roman Catholics which they would themselves be ashamed to avow, he would ask, whether it could be consistent with the safety of the established church to confer such a power? And upon whom was it to be conferred? Upon persons who had to provide also for the support of their own religious establishment. If this bill should pass into a law, the executive would be bound to carry it *bonâ fide* into effect. If, then, it were true that the Roman Catholics were great in point of numbers and in point of wealth, it followed that this bill would give them great power. The same reasoning applied to their admission into corporations and into parliament. Why exclude Roman Catholics from the office of ecclesiastical judge, and now for the first time; for that provision had not been introduced in any former bill? This showed that the feeling of jealousy on his part was not quite unaccountable—that his fears were not chimerical. Catholic members of that House would naturally be anxious to extend to the Catholic clergy the privileges which were now withheld from them; and he declared solemnly that he believed, if this measure were to pass into a law, that the regulations would not remain in force for five years. Irish members in that House had a distinct interest. He did not know if it were constitutional, but it was human nature to combine for the interest of the land of our birth. In questions affecting the Protestant church in Ireland, he did, therefore, expect combinations. He was aware that it was a choice of difficulties; but in his opinion the arguments for continuing the exclusion overbalanced the other arguments. If once agreed on the principle, he thought there could be no valid objection founded on the details. Yet he saw objections to affixing an interpretation to an oath, adverse to its plain and obvious meaning. Why, again, did they not relieve the Crown from the declaration against transubstantiation, if members of that House were to be relieved? Protestantism was so interwoven with the constitution, that it would meet them at every turn. Governors of colonies, for instance, would find it made penal to appoint to offices under them upon principles which were consistent only with their duty. What proof could they have of, who was a Roman Catholic, if this measure passed? Mr. Grattan's bill had left the declaration against transubstantiation which this bill removed. But, whatever decision the House might come to, he would give it his best acquiescence; and if the measure should be carried, he would use his earnest endeavours to reconcile the Protestants to it.

On a division, the motion was carried by 254 against 243; majority, 11.

## BANK CASH PAYMENTS BILL.

MARCH 19, 1821.

In a Committee on the Bank Cash Payments Bill, the Chancellor of the Exchequer having moved that the Chairman of the Committee be instructed to move for leave to bring in a Bill for making further provision for the gradual resumption of Payments in Cash by the Bank of England, Mr. Baring expressed his desire of having a Committee above stairs on the subject; and he accordingly proposed that the chairman should be instructed to move the House, "That it is expedient to appoint a Select Committee, to consider the Act of the 59th of the late king, chap. 49, with a

view to alleviate the pressure which the due execution of that Act is likely to produce upon the several branches of public industry."

In the course of the discussion,—

MR. PEEL defended the principles on which the committee in 1819, which had advised the partial restoration of cash payments, had acted. He contended that the plan of the hon. member could not be carried into practice, and that even the mode proposed by the hon. member for Portarlington would be preferable. The doctrine of the former member would by no means remedy the distresses which were at present complained of. With respect to the committee which sat in 1819, he maintained that they could have come, under all the circumstances, to no other conclusion than that which they had recommended to the House. It should be recollected that at that time they had an alternative of evils. In 1814 it was expected that the Bank would resume the issue of metallic currency; in 1815 it was looked for as likely to take place in 1816; and in 1816 it was thought that the resumption of cash payments would certainly be made in 1818. Now, in 1819, the question which came under consideration was, whether there should be any resumption of payments at all; and at that time the committee had to consider the alternative of not paying, and the evils, after all the expectations which had been raised, of that alternative. They had then fixed the standard price of gold at 80s. 3d., as the average of the three preceding years; but they did not mean to deny the inconvenience which would result from that or any other standard. The only inconvenience, however, which could be considered as resulting from it, was the difference between 80s. 3d. and £3 17s. 10½d. The delay of the committee in 1819 was complained of, and the same objection would apply still more forcibly against going into a committee at present. The amendment was negatived, and the original resolution agreed to.

## ROMAN CATHOLIC DISABILITY REMOVAL BILL.

MARCH 23, 1821,

In a Committee on the Roman Catholic Disability Removal Bill, a discussion took place on the first clause of the proposed Bill, respecting the oath of supremacy.

MR. PEEL said, that he should confine his observations to the question immediately before the committee; namely, whether the clause should stand part of the bill? It did not follow, according to his conception, that any objection to this clause applied to the principle of the bill; which principle might be discussed upon bringing up the report, or upon the third reading. The principle of the bill might, indeed, be admitted, while the present clause was resisted; and therefore the rejection of this clause could not be fatal to the bill; for this clause contained a proposition as to the oath of supremacy, which was not inserted in the bill of 1813; he meant as to the temporal and spiritual supremacy of the pope. Hence, he argued, that the advocates for the principle of the bill were not pledged to this provision. His serious doubt upon this proposition as to the oath of supremacy was, that while it consulted the conscience of the Catholic, it was decidedly against the conscience of the Protestant. Since the Reformation, the spiritual as well as the temporal supremacy of the pope had been disclaimed by the Protestants; who had indeed abjured all foreign influence upon the subject of religion. From the period of the Revolution, the Catholics were also required to abjure all foreign supremacy. But now it was proposed to establish a different and quite a new system, by omitting the word "spiritual" in the oath of supremacy. By this omission, then, it was proposed for the first time for centuries, to legalise the admission of the Pope's spiritual supremacy in the British empire. The insertion of the provision alluded to, would be a direct recognition of that supremacy. By no former legislative Act had any such recognition been made or implied. Neither in the Act of 1792, for granting the Catholics the elective franchise, nor in the Act for establishing the Catholic college at Maynooth, had any such recognition appeared. In the latter Act, indeed, Drs. O'Reilly and Troy, both of whom held episcopal stations in the Catholic church of Ireland, were denominated merely doctors of divinity. By the Act of 1792, no Catholic hierarchy

was acknowledged in Ireland, notwithstanding the extent of civil privileges granted at that time to the Catholic body. There was, indeed, no mention or recognition made of bishops or any other Catholic dignitaries. Yet, by the proposition before the committee, parliament was for the first time called upon to recognise the existence of such an authority; and if this proposition were acceded to, how could the Protestants afterwards deny the spiritual or ecclesiastical authority of the pope in this country? So that the very act which was to release the Catholic from the denial of a foreign supremacy, went to subject the Protestant to its implied admission. But he really could not conceive how any conscientious Protestant could subscribe to such an oath as was at present proposed. The right hon. gentleman then proceeded to observe upon the reference made to the authority of divines by his hon. and learned friend, with respect to the spiritual jurisdiction of the pope. It was said, on the authority of Archbishop Bramwell, that the oath of supremacy, in the reign of Elizabeth, did not interfere with the spiritual power of the pope, and that in his work called "Schism Guarded" he contended for that opinion; but, on the authority of this very Bramwell, that oath always excluded the spiritual authority of the pope. There were three kinds of spiritual authority. The first was the power of orders, in which consisted consecration, ordination, admission to orders, &c. The next was the power of jurisdiction *in foro conscientie*, and it was instanced in this—"that Christ gave Peter a power to bind and loose *in foro conscientie*." There was another power of the pope, which was partly political and partly spiritual, or that *in foro externo*. The hon. member for Knaresborough said that the power *in foro externo* was of a co-active nature. That there were many things which entered into its composition, in the opinion of Catholics, he could not but admit; but he believed they would not allow that one part of it belonged to the king, and the other part to the pope. It was said that whatever our laws divested the pope of, with regard to that third power, they invested the king with; but they never invested the king with the spiritual jurisdiction. If our statutes were appealed to, would it not appear that the power over reservations, commendams, dispensations, licenses, faculties, &c., were taken out of the pope; and would Catholics ever admit this? He knew there was a difficulty, and a melancholy one, on this point. Archbishop Bramwell said that Henry VIII. committed no schism; that the Church of England was not schismatic in departing from the pope's authority; but the pope had been schismatic, in departing from the original jurisdiction of the church. Was not the difficulty in this case, then, such as to make it very hard for a Protestant to take the oath conscientiously? The right hon. gentleman then adverted to the Act of 1774, called the Quebec Act, passed at a time when Lord Thurlow was lord chancellor, and Lord Loughborough solicitor-general. By that Act the Roman Catholic religion was legally established and recognised in Canada; but it was expressly stipulated that the ecclesiastical authority of the King of England should be recognised. His argument then was, that this oath could not conscientiously be taken. He did say, that they must change the oath of supremacy, which had been acted upon for so many years, before the Protestant could conscientiously subscribe to it; and that if they changed that oath of supremacy, they must change the whole policy of the constitution.

On a division, the clause was agreed to by 230 against 216; majority, 14.

MARCH 27, 1821.

On the order of the day for again going into a Committee on the Bill, Sir J. Newport moved an instruction to the Committee, "That they have power to make provision for regulating the intercourse between Persons in Holy Orders, professing the Roman Catholic Religion, with the See of Rome."

The House having resolved itself into a Committee,—

MR. PEARL rose to propose certain amendments of which he had given notice. The nature of his proposition was, to extend the exceptions of the bill to the privy council and to judicial offices. The House had last night pronounced its opinion, that the Catholics ought to be admitted to sit in both Houses of Parliament. He did not stand there to impugn that decision—he bowed to it. But he would take the benefit of an admission which was made last night, namely, that the clause for admitting Catholics to parliament was the main object of the bill; that the failure of



that clause would render other parts of the bill of less value; but that the success of that clause would make other exceptions of minor importance. As the bill now stood, an alteration had been effected in the exclusively Protestant character of both Houses of Parliament since the Revolution. It still, however, left untouched the securities provided for the third estate, namely, the inviolability of the Protestant succession to the throne of these realms. The act for securing the succession excluded Papists from the throne, and fenced round the rights and dignities of the established church. It went further—it not only required that the successor to the throne should not be a Papist, but that he should forfeit his right of succession if he married a Catholic. To whom, then, were they to look for the maintenance of that compact so solemnly provided for by the Act of Succession? Not to the monarch himself; for by the law of England he was irresponsible; for his acts his ministers alone were to be adjudged. It was therefore more particularly necessary that those responsible advisers should not be selected from a class which might expose the monarch to the danger of an undue influence. He was one of those who thought that there was less danger from a Catholic king with a Protestant council, than from a Protestant king with a Catholic council. Indeed, he should have apprehended infinitely more danger from Charles II. with his cabal, than from his successor James, while Papists were excluded from his councils. It was said, why should they guard by oaths against a danger which might arise from the admission of Catholics to office, when they provided no such guard against Atheists and Infidels? To this he would answer—because they knew of no oaths which could be made to apply to the cases of Atheists and Infidels. He did, however, know of guards against Catholics. They were recognised and acted upon at the time of the Revolution; and in the same spirit in which they were proposed in those Acts, did he now call for their continuance. This bill provided an eligibility for Catholics to all offices in the state save three, which had been excepted. But although by this bill they might serve as ministers of the Crown, yet, inconsistently enough, were they excluded, in the first place, from advising the Crown respecting the grant of appointments, lay or ecclesiastical; and, in the second place, exposed to a penalty, if they ventured to advise the Crown respecting such appointments. Nothing could be a harsher inconsistency, than to declare men eligible to fill certain offices, and yet, in the same breath, to punish them if they ventured to exercise or advise the exercise of the patronage properly attached to those offices; so that though they might become the responsible ministers of the Crown, and constitutionally bound to advise the Crown for the best interests of the country, yet the moment they ventured to perform their duties and tender that advice, they became liable to the penalty of a misdemeanour. Rather than expose Catholics to such an unjustifiable mortification, he should object to their being placed in those offices where they would have to combat such manifest inconsistencies. How was it possible that a Roman Catholic could take the privy councillor's oath, and do his duty accordingly, exposed to these humiliating qualifications? How could he swear, "faithfully and truly to declare his mind and opinion to the Crown according to his heart and conscience," when, by giving his advice, he might commit a misdemeanour? He would suppose the case of a Catholic secretary of state for the home department, and that a question were discussed before him, touching the education of the children of a king; was it likely that, according to "his heart and conscience," he, if a rigid Catholic, would recommend a Protestant education for the royal children? A privy councillor was, according to the words of Lord Coke, a "chosen sentinel" of the constitution. Was it probable he would continue to be that, if a Catholic, and restricted by these inconsistent qualifications? Pursuing, therefore, the policy, the principle, and the necessity, which regulated the act for securing the succession to the throne, and looking at the important and responsible duties of a privy councillor, he must conclude that Catholics could never be deemed eligible to fill that office. Coming now to his recommendation to exclude them from all judicial offices, he begged not to be understood as opposed to their admission to the rank of a silk gown. It might be said to be an anomaly to concede to them a silk gown, and yet to exclude them from the bench. It certainly was; but the whole provisions of the law upon this subject were necessarily anomalous. With respect to the exclusion of Catholics from the bench, he must beg leave to remind the hon. gentleman opposite, that the right hon. gentleman who had introduced this bill had

admitted not only the purity with which the administration of justice was conducted by Protestants, but also the perfect sense of that purity which was universally felt by the great body of the Catholics. He was not aware that the judicial situation was ever held by a Dissenter. He believed that the judges were in the uniform habit of taking the sacrament according to the ritual of the Church of England, and not availing themselves of the Annual Indemnity Bill. They were also, he believed, called upon in rotation, to assist in the Court of Delegates. Now, even by this bill, a Catholic could not sit as a delegate. He would, therefore, if eligible to the bench, be exposed to the invidious exception of ineligibility to the Court of Delegates. Great additional solemnity was acquired to the office of a judge, by his attending divine service before the opening of the assizes. The effect of this attendance to the duties of religion on such an occasion, he considered very important; and he was at a loss to see how a Catholic judge could uphold the same reverential interest in the situation in which he might be placed. He concluded by moving, as an amendment, that after the offices from which Catholics are to remain excluded, the words, "or the office of privy councillor," be inserted. He should afterwards move to add to the excepted offices those of vice-chancellor and master of the rolls, and chief justices of the King's Bench and Common Pleas, or justices of either bench, and chief baron of the Exchequer, and the other barons of the Exchequer, in England and Ireland.

On a division, the amendment was negatived by 163 against 120; majority, 43.

MARCH 28, 1821.

In committee, on the same Bill,—

MR PERL adverted to what was called the irritation and unpopularity excited among the Catholics, in consequence of the proposed securities; and begged it to be understood that no part of that irritation or unpopularity could be ascribed to him, or to those who had acted with him upon this subject, as they had had nothing to do in proposing or framing such provisions. Those provisions, indeed, originated solely with the advocates for concession. At the same time, he thought it right to say, that the party with whom he had the honour to act was not at all disposed to make common cause with such objections as had been urged that night against the provisions alluded to, or to obstruct the measure under consideration, by contributing to excite irritation against it, upon such grounds as had been stated.

APRIL 2, 1821.

In the debate upon the motion, "That the Bill be now read the third time,"—

MR. PERL commenced his speech by alluding to an argument advanced by the hon. member for Limerick, who had called upon them, as they valued their good faith, to observe the articles of the capitulation of Limerick. That was the first time he had ever heard such an argument brought forward. If that were made the ground of the question, the House had no discretion to exercise; but he would maintain that, up to the present moment, they were unfettered by the question of good faith. There was but one article in the treaty of Limerick which referred to the state of the Roman Catholics generally, and that was the first. But what did it amount to? Their majesties undertook to engage that the Roman Catholics should enjoy every privilege with respect to the exercise of their religion which they possessed in the reign of Charles II., and to exert themselves to obtain for them from parliament such further indulgence as they might be willing to concede. There was not a word in this of political privilege; the privilege alluded to, referred, according to the terms of the article itself, to the exercise of their religion. There were two considerations upon which he chiefly rested his objections to the bill. In the first place, he objected to it, because it was a material change in the constitution of the country. He did not consider that objection as fatal in itself; but he felt that every change of so extensive a nature was to be regarded with alarm and anxiety. They could not name a succession of kings, or an important event since the Reformation, which did not bring the Roman Catholic religion before their minds; therefore, it was not unimportant to consider what relation that religion should bear to the state in future. There were three great periods to which he would call upon the House to

direct their attention—that before the Reformation, that since the Reformation, and that which it was now proposed to commence. The relation which the Roman Catholic religion bore to the state, previously to the Reformation, was similar to that which the Protestant religion bore to it now; but even then the strictest exclusion of foreign authority was insisted on. After the Reformation, an attempt was vainly made to extirpate the Catholic Church; but that being abandoned, the state took a security for their exclusion from political power, which existed up to the present period. Now that they were about to adopt a new system, and to grant political power, he was forced to consider what relation the Catholics ought to bear to the state. It was a mistake to imagine that the present bill would be a final compact between Protestant and Catholic: it was more likely to become a permanent source of legislation. The first question arising out of the Bill would be, what establishment, or whether any establishment, should be provided for the Catholic clergy? They were not now about to legislate for an obscure sect—the greater part of Europe professed that religion. Besides, in Ireland there was an archbishop to every province, and he believed a consistorial court to every diocese. It was a religion supported by voluntary contributions; and was in every respect calculated to give the priesthood a powerful influence over the minds of the people. The question, therefore, was one of the utmost importance, and he thought they would be legislating in the dark, if they agreed to recognise episcopal functions, without knowing what the oath was which the episcopacy made to the pope. If the principle of the bill was to be recognised, the best course for parliament to pursue, would be to inquire into the manner in which the Catholic church was established in other countries; for it was in vain to conceal the fact, that they would soon have to meet claims for the open exercise of the rites, and the partial establishment of that religion. The manner in which its connexion with the state should be settled, should have been fixed at the moment of opening the door of power to its members. The indefinite nature of the provisions of the bill in this respect, was one principal ground of his objection to it. Another was, the relation of this country to Ireland. He had been asked, whether he apprehended danger from the power of the pope; and splendid declamation, and polished ridicule, had been employed against this supposed apprehension? He apprehended no such thing. It was asked, where was the power of the pope now? He would ask, where was it in 1688? In that very year, the French ambassador had threatened to march against the pope with 500 men, and his holiness declared that he should have no defence but in the very unsatisfactory expedient of martyrdom. It was against domestic danger that King William and Lord Somers undertook to guard. If we had one kingdom with an immense majority of Protestants, it might be a question, whether the Catholic minority might not be safely admitted into office. But we had two countries—two kingdoms, one of which had been politically united to the other only for twenty years;—two islands, one divided from the other by a greater span than that which had for ages divided us from what had been called our hereditary enemy. In the Catholic island we had to maintain a Protestant establishment. Could that be done, if we admitted the Catholics to a complete participation in the administrative and legislative power? He assumed, that the representation of Ireland would be, if the bill passed, ultimately Catholic. He apprehended nothing from that circumstance, for the Protestant establishment of England. But as to Ireland, it was known that all measures affecting that country, were proposed, influenced, and in fact, decided by the Irish part of the representatives. Questions respecting the tithes in Ireland, and other subjects of that kind, would come before the House; and they would be decided by the Catholic representatives of Ireland. If it were said, that to the Catholic representatives of Ireland, they might oppose the overwhelming power of Protestant members, he could only foresee inconvenient and dangerous conflicts, very different from that tranquil settlement which the friends of the bill anticipated. But these concessions were accompanied by securities. The securities he thought reasonable enough; he thought also that they might be conscientiously submitted to by the Catholic clergy; but the Catholic clergy had shown that they disapproved of them, and he ventured to prophesy that the bill could not be executed. If they attempted to put it in force, they must be prepared to meet with willing victims. As a matter of prudence—as a mere question how to secure the tranquillity of Ireland,

he thought the non-enactment of the bill much better than the enactment of it. After remarking that in this bill (which, after the number of skilful artists to whom it had been submitted, might be considered a masterpiece, in the manner as well as matter) there was an error in the four first lines—the Act of William and Mary was cited as the Act for the further settlement of the throne, and the better securing the rights and liberties of the people, instead of the subject—and, drawing a comparison between the inconsistency of the perambulatory and enacting parts of the bill, he concluded by stating that as he believed that the bill would not have the effect of consolidating England and Ireland, or of uniting and knitting together his Majesty's subjects, he could not consent to the third reading.

On a division, the motion for the third reading was carried, by 216 against 197; majority 19; and the Bill was accordingly read a third time and passed.

### MAXWELL'S SLAVE REMOVAL BILL.

JUNE 1, 1821.

On the motion for the second reading of Maxwell's Slave Removal Bill,—

MR. PERL strenuously resisted the measure. Viewing it merely as a matter of mercantile speculation, it gave the possessor of these slaves an unfair advantage. But if it were objectionable as a precedent, he thought it still more objectionable in regard to its consequences. It did not appear that the slaves could not be maintained on other estates in the island; and if so, they ought not to be subjected to the grievous suffering of being separated from the soil to which they had become accustomed, and sent to such a colony as Demerara. He trusted, on every account, that the bill would be indignantly rejected.

On a division, the motion, that the bill be then read a second time, was negatived by 98 against 47; majority, 51; and the second reading was postponed for three months.

[It may here be proper to mention, that on the 17th of January, 1822, the Right Hon. Robert Peel was appointed secretary of state for the Home Department, *vice* Lord Sidmouth.]

### AGRICULTURAL DISTRESS.

FEBRUARY 18, 1822.

The Marquis of Londonderry moved, "That the Report of the Committee on the Agricultural Distress, presented the 18th June, 1821, together with the several petitions which have been presented to the House in the last and present sessions of parliament, complaining of the depressed state of agriculture of the United Kingdom, be referred to a select committee, to inquire into the allegations thereof, and to report their observations thereupon to the House."

In the course of a long debate which ensued upon this motion,—

MR. SECRETARY PERL observed, that the hon. gentleman (Mr. Sykes) who had just sat down had opened his speech by stating, that he would call back the attention of the House to the question before it; but, if this were his mode of confining himself to the subject under discussion, he could not conceive how largely the hon. gentleman might think himself entitled to expatiate, when the whole question of agricultural distress should be brought forward. In offering himself to the House, he would rather follow the example of the hon. gentleman than his precept. In the first place, he begged leave to make a few observations on the bill that went by his name, however small a portion of merit he had in the measure—a bill that had of late been the subject of discussion with every one who speculated on the prevailing distress, both within and without the walls of parliament. From the share he had had in introducing it, as chairman of the committee by which it was recommended, he might be allowed to say a few words on its character and effects. At the time he presented it to par-

liament, and when it was more popular than it was at present, he had arrogated no merit for the work—he willingly gave it to those to whom it was due; and now when it was viewed with a less partial regard, he would still renounce the merit, and take his share of the responsibility. He confessed that after all that had passed—after the measure had been opposed, sometimes by argument and sometimes by clamour—he was still as much disposed to maintain its justice and policy as he was when it was first introduced. He would not shelter himself under the immense majority who concurred with him on that occasion—he would not shelter himself under the great authorities who sanctioned his views—he would not shelter himself under the consideration that party feeling was at that time laid aside, and that all sides agreed in passing a law which was thought necessary for the safety of all. Notwithstanding the evils ascribed to it—notwithstanding the disapprobation since expressed, he was prepared to maintain that there was then no alternative—that the measure was in itself wise and conducive to the general interests of the empire—that the agricultural interests had not been depressed by its operation—and, consequently, that whatever depression they had since experienced was in no peculiar degree to be ascribed to it.

He would contend that it had promoted the general interests; and that agriculture, which had not been injured by it, would soon feel what the manufacturing and commercial interests had already felt. It was natural and common to feel acutely the evils that pressed upon us, and to shut our eyes to those from which we had escaped. He would, therefore, beg leave to recall for a moment the year 1819, and ask the House to remember the situation in which the country was then placed. Let the House look to the internal state of England—let them read the reports of committees of parliament—let them recollect the distress that pervaded the manufacturing districts, in Derbyshire, Lancashire, Nottingham, and some other counties—the people were goaded by distress to nearly open rebellion; and let them recollect, that their disaffection and tumults were ascribed to the miseries arising from insufficient wages. At that time we had great establishments. Our manufacturing and commercial transactions were on a scale of immense magnitude; but they were not sound, because the manufacturers depended on a state of the currency that gave no security. He would appeal to an example to prove what he said. A petition was presented in that year from Coventry, complaining of the sufferings of the persons engaged in the ribbon manufactories, which was referred to a committee. It described the distress of the petitioners as overwhelming, and stated that many of them were driven for subsistence to the poor rates. The cause was the low rate of wages. The quantity of goods manufactured was not diminished; but the wages of the manufacturing labourers were so reduced that they could not furnish the means of living. Out of the 40 counties in England, 23 had reached their maximum of assessment for poor rates in 1818, the year before the return of cash payments. The same cause of the depreciation of the currency had always produced the same effects. In the time of Queen Elizabeth, from the discovery and working of the Spanish mines, the value of money fell, and the fall was aggravated by the debasement of the coin. The effect was great distress arising from insufficient wages. In the discussions which took place on the bill he had brought in, for restoring a metallic currency, it was argued, that the pressure of the measure would be severely felt on our revenue, and on the manufacturing and commercial interests; but nobody predicted similar consequences on the state of the agricultural population. If, then, in opposition to those forebodings, our revenue had increased—if our commercial transactions had extended—if the state of our manufacturing population were greatly improved, what reason had we for believing that the change in the currency had been detrimental to agriculture, on which its injurious operation was not anticipated? What greater good could be effected than the reduction of the poor-rates, which must be ascribed to the additional means of living, conferred by the rise in the value of wages produced by the restoration of the metallic standard? He did not say that the reduction of poor-rates was to be ascribed entirely to this measure, though it was natural to suppose that it had the greatest share in the result. In every county in England but one, the rates had been reduced. If, then, he saw all the counties of England, with one exception, reducing their poor-rates to a great amount—if he saw Nottingham reduce them 18 per cent.—if he saw Sussex, where the reduction was least, effecting a change of this kind to the amount of 3½ per

cent.—and if the only county in England where there was an increase, were a county not peculiarly agricultural (Cumberland)—if he saw all this take place since the passing of the bill, was he not entitled to conclude, that it was to be ascribed to the operation of that bill, and therefore to infer that it was not the cause of the agricultural distress? That there had been a great reduction in the value of agricultural produce must be admitted; but he could not allow that the depreciation was caused by the alteration in the value of the currency. The same fluctuations in the price of corn, which were now the subject of complaint, had taken place in other periods of our history, when the currency was not affected by the operations of the Bank. Upon looking over some returns, he found, that in 1774, wheat was only 33s. per quarter; in 1777, 39s.; whilst, in 1801, it was as high as 108s., and sunk again in 1802, to 67s., and in 1803, to 56s. He could not agree with those persons who attributed the depreciation in the price of corn to foreign importations. He was of opinion that the depreciation would be occasioned by any excess of supply over the demand. The doctrine which was laid down by Mr. Tooke in his evidence before the agricultural committee appeared to be well-founded. That gentleman stated, that an excessive supply produced a greater effect in the corn than in any other market. He believed that to be the case. If the excessive supply were in an article of luxury, the effect would only be to increase the consumption of the article, by bringing it within the reach of greater numbers of persons than were before able to purchase it; but that was not the case with respect to an excessive supply of corn, because the same average quantity was always consumed. If, therefore, it were true, that an excessive supply of corn had the effect of depreciating the price of that article, could it be material whether the excess were occasioned by abundant production in our own country, or foreign importation? If the markets were glutted, it mattered not from what source it proceeded. It might be contended, that his reasoning could not apply with respect to the abundant production of corn in this country: but why should it not apply with respect to the abundant production of corn in this country? but why should it not apply with respect to importation from Ireland? He was most fully disposed to acknowledge the justice and expediency of that measure which permitted the importation of corn from Ireland; nothing could ever induce him to deprive Ireland of that indulgence; but, at the same time, he could not close his eyes to the consequences which resulted to the agriculture of England from the importation of Irish corn. It was impossible for him to look at the large quantities of corn which had lately been poured into this country from Ireland—greater than at any former period—without thinking that they must have had the effect of depreciating the price of corn here. It was very natural upon the cessation of the war, that the rich pasture lands of Ireland, the produce of which had formerly supplied the contracts of government, should be broken up and devoted to the cultivation of wheat, which could be raised at less expense, and probably sold at a less price, than the corn of this country. The consequence had been, enormous importations of corn into this country from Ireland, which he could not help thinking must have had the effect, by glutting the market, of lowering the prices here. He should now state to the House the amount of corn imported into this country from Ireland for certain periods. In the seven years, from 1800 to 1807, the quantity imported amounted to 2,355,000 quarters; in the seven succeeding years, ending in 1814, the quantity imported amounted to 5,045,000 quarters; and in the seven years ending 10th October, 1821, it was increased to the enormous quantity of 7,630,000 quarters; being more than three times the quantity imported in the seven years first mentioned. In the two last years of the seven ending in 1821, three millions of quarters had been imported. In the year 1820, 1,425,000 quarters, and in the three-quarters of a year, ending the 10th October, 1821, the amazing quantity of 1,602,000 quarters had been imported; being nearly double the quantity ever before imported from Ireland in one year. He did not mean to say that a stop ought to be put to the importation of corn from Ireland, but it was, at the same time, impossible for him to shut his eyes to the consequences of that proceeding. It was to the large importation of corn from Ireland, combined with the effect of the three successive good harvests in this country, and not to the importation of foreign corn three years ago, and still less to the alteration which had been made in the currency, that he attributed the present state of the agricultural interest. He was firmly persuaded that no measure could

be adopted by parliament which could afford immediate relief to that interest; but he was convinced that in time relief would be afforded, and that that relief would be complete. He now came to the last point upon which he had stated it would be necessary for him to animadvert—namely, that, admitting a general fall in the value of all articles to be occasioned by the alteration in the currency, yet the distress which pressed upon agriculture so peculiarly ought not to be attributed to that change. Here he must, however, observe, that he could not admit the change in the price of commodities to be occasioned, to the extent contended for by the hon. member for Portarlington, by the alteration in the currency. He could not admit the fall of the price of commodities to be in proportion to the difference between the market price of gold at £4 3s. and the mint price. In one of the two years immediately preceding 1819, he found the market price to have been £3 18s. 6d. It was true that the price of gold had been for one month in the year preceding the passing of the bill for the resumption of cash payments, £4 8s.; but he thought it was better to draw his conclusion from an average price for the two years, which was less than £4 8s. He could not admit that the agricultural interest would not have been liable to the same distress, if no attempt had been made to suspend the issue of paper money. In 1816, the hon. member for Essex (Mr. Western) submitted a motion to the House on the subject of agricultural distress. He might assume that it was impossible to attribute the distress which then existed to an anticipation of the measure which the House had afterwards resolved upon for the resumption of cash payments. The first resolution which the hon. member for Essex submitted to the House upon that occasion was to the effect, that the agricultural interest of England was in a state of unexampled embarrassment. The greater part of his speech went to prove the magnitude of distress under which the people laboured; and the conclusion to which he came was, that it was impossible the taxes could continue to be paid. He (Mr. Peel) was willing to admit, that one of the causes of the distress then felt might be the contraction of the issue of country bank paper. But then it must be allowed that the country was liable, under the former system of currency, to the same evil which it now endured. By returning to that system they would, therefore, gain nothing. There would still exist the same degree of distress, resulting from the same cause, but without the benefit of a metallic currency. He believed the distress to have been occasioned by the withdrawing of the paper of the country banks, and by extraordinary speculations. If the Bank had issued a fresh supply of paper, there would have been a fresh cycle of prosperity, but which in the end would have only aggravated the distresses of the country. Under such a system he could only contemplate an alternation of success and failure; and every subsequent failure would be worse than the preceding. He requested the House to consider the state in which things stood in 1819. That period presented a more favourable opportunity for adopting the measure of a return to cash payments than would probably have ever occurred again. Had the system of paper money continued, individuals never would have been satisfied with a fixed high price for their commodities, as all the stimulus which prevailed during the war arose not from a fixed high price, but from a continually rising price. He had risen for the purpose, after all the clamour which had been directed against the bill which he had had the honour to introduce, of stating, that after the experience of the past he remained perfectly satisfied, rather than to enter into the discussion of the subject more immediately before the House; a fitter opportunity for doing which would present itself at another time. He would, for his own part, have been satisfied to adopt the plan of the hon. member for Portarlington, for he thought that plan would have effectually guarded against the depreciation of Bank notes. The same reasons that induced him to advise a return to metallic currency still remained in full force; and amongst these there was one which had great weight with him, with the House, and with the Bank—he meant the necessity that existed for putting a stop to the forgery of Bank notes, and the numerous executions of offenders. The House would recollect, that the Bank had tried every possible means to put a stop to that evil. [Cries of No, no.] It was possible that the proposal of some ingenious artist might not have been tried or adopted, but it was well known that the Bank had spared neither time, trouble, nor expense, in its endeavours to attain that desirable end—the prevention of forgery.—The return to a metallic currency had met with the full acquiescence

of parliament on that very ground; and it could not be denied that the result fully justified the anticipation.—The pecuniary sacrifices made by the Bank to carry the plan into effect ought never to be forgotten. He believed the clamour against the return to a metallic currency, to be only temporary; and that at the end of three or four years we should look back with heartfelt pleasure and gratulation to our return to cash payments. By firmness, constancy, and perseverance in the present system, he felt convinced that we should, at no remote period, derive all those advantages from it, which the warmest friends of the measure contemplated at its enactment.

The motion was agreed to without a division, and a Committee appointed.

## BREACH OF PRIVILEGE.

### OPENING OF LETTERS ADDRESSED BY OR TO MEMBERS.

FEBRUARY 25, 1822.

Mr. James called the attention of the House to a violation, as it seemed to him, of the privilege of its members. Letters addressed to him, by a person confined in Lancaster gaol, had been broken open; and his letters to that person had experienced a similar treatment. One letter, indeed, had been withheld altogether, and a copy only delivered instead. He therefore moved, "That it is the opinion of this House, that any person breaking open, detaining, or suppressing, any letter or letters addressed by or to Members of this House, is guilty of a direct breach of the privileges of this House."

A discussion ensued, in the course of which,—

MR SECRETARY PEEL observed, that if he understood the hon. mover, his object was, to establish two propositions; first, that the opening of a letter franked by him was illegal; and secondly, that it was a breach of the privileges of the House. If he should be able to disprove both these points, he apprehended there would be an end of the hon. gentleman's case. Before he proceeded with his argument on the first point, he could not but express his surprise at the opinion of a learned gentleman (Mr. Brongham), on a former evening, as to the opening of letters sent by convicts on board the hulks; and he thought that, on a little more mature reflection, the learned gentleman would not himself persist in the opinion then given. It would not be denied, that by far the greater portion of the persons detained on board the hulks were civilly dead, possessed no civil rights, and therefore that the government would be justified, not only in ordering the inspection of their letters, but in prohibiting all communication with them. However, the proposition of the hon. member this night was a different question. It went to show that a certain regulation for the better government of the gaol of Lancaster, which had been sanctioned by his (Mr. Peel's) predecessor in office, was in its operation illegal. Now, he would show the contrary. What was the nature of the regulations of Lancaster gaol? Here the right hon. gentleman repeated the statement given by Lord Stanley, as to the authorities by which the regulations were sanctioned. The first impression of the House, after hearing such authority as that of two judges of the land sanctioning those regulations, should be, he imagined, a presumption that they at least were not illegal. The hon. member had referred to the 32nd of Geo. II., but he carefully left out of his view the 31st of Geo. III. By that Act it was enacted, that fit and proper regulations should be drawn up for the better government of gaols and other places of confinement, in England and Wales; and it added, that those regulations should be drawn up by the same authorities as those mentioned in the 32nd Geo. II. And who were those authorities? The magistrates of the counties. It further added, that the regulations to which they might come should have force, when sanctioned by the judges of assize, who were authorised to revise them. This was done in the case of Lancaster gaol. The magistrates drew up and agreed to certain regulations for the better government of the county gaol. These were submitted to the judges, by whom they were examined, and, with some alterations, sanctioned and approved. Would it, after this, be said that they were illegal? He should be wantonly trespassing on the time of the House, if he dwelt longer on the question of legality. Supposing it then admitted to him that this regulation was a legal one, the next question was,



whether the exercise of the rule were, in the case alluded to, a breach of the privilege of parliament. Now, if parliament sanctioned the enactment of the rule, he could not see anything in the case of a member of parliament which should exempt his letters from being opened, where that was warranted by the law of the land. Now, taking it as granted, for the sake of the argument, that the view which he took of the construction of the act were a legal one, upon what did the authority of the regulations rest? Here they had it, that the House of Commons, one branch of the legislature, had declared, by a bill which was passed into a law by the concurrence of the two other branches, that certain regulations for the government of gaols and other places of confinement should be binding, when sanctioned by the authorities there specified. Would it, then, be maintained, that after thus sanctioning such rules, without any reservation as to their own privileges, such exemption now existed? He contended, that where the authority was given, as in this case he maintained it had been given, it could not be revoked except by another Act; and until that Act should be passed, any regulation under the former would not amount to a breach of privilege. The attention of parliament had formerly been called to the question of privilege, with reference to the letters of members; but, before he proceeded with that, he would make a few remarks on the subject of a letter sent by Lord Sidmouth to the gaoler of Gloucester gaol, on the subject of opening letters addressed to prisoners. The letter was written after a complaint made to the Lords on the part of a debtor, and a person accused of a misdemeanour but not tried, that letters addressed to them had been opened by the gaoler. Lord Sidmouth, after consulting with the law officers of the Crown, sent the letter, in which it was said, that a future regulation would apply to "felons and fines." Now he was satisfied that the word "felons" here was a mistake for the word "debtors." How the mistake occurred, whether in the copying or printing, he could not say; but of this he had no doubt, that "debtors" should have been mentioned, and not "felons." He had just said, that the attention of parliament had been formerly called to this subject. In the year 1785, a complaint was made, that letters addressed to members had been opened, and that postage was claimed; but this complaint referred to letters put into the post, and in that case there could be no doubt that it would be a gross breach of privilege. But, was that a case at all in point? was it in any way analogous to regulations made by magistrates to prevent a letter being put into the post? He maintained it was not. The House of Commons never considered that they were exempt from the operation of the law. They resolved on that occasion, that it would be a gross breach of privilege for any agent of the post-office to open a letter of a member of parliament, except by a warrant of a secretary of state. Thus, they clearly recognised, that in cases where it might be necessary for a secretary of state to order the opening of a letter, their own privilege was not reserved. He was satisfied that the same feelings would prevail here, and that the House would not claim any privilege which would interfere with the criminal justice of the country. The opinion of Mr. Justice Blackstone was, that the privilege of a member of parliament did not extend to exemption from arrest, in cases of indictment. All the civil rights and exemptions which they had formerly claimed were gone, except that of the freedom of their person in civil cases, and the freedom of their letters. Where the regulations alluded to were authorized by law, there was no presumption of such an unlimited correspondence in any way as could have the effect of revoking these regulations. Whatever right of personal communication a magistrate might have with prisoners, a member of parliament, as such, had none: he had no right to insist upon such communication, but certainly all correspondence should be controlled by the regulations which were necessary for the discipline and proper management of the prison. Under all the circumstances, he saw no ground for the interference of the House, and would therefore conclude by moving the previous question.

The "previous question" being put, "That the question be now put," the House divided; ayes, 60; noes, 167; majority, 107: consequently the original motion was lost.

## ALLEGED OUTRAGE ON MR. SHERIFF WAITHMAN.

FEBRUARY 28, 1822.

Mr. Alderman Wood rose to submit a motion to the House, founded on a petition which he had the honour to present on the 8th instant, from the Corporation of London. The motion was, "That a Select Committee be appointed, to inquire into the facts stated in the petition from the Corporation of the City of London, complaining of an outrage committed on the person of Mr. Sheriff Waithman, on the 26th of August last, whilst in the exercise of his official duty for the Preservation of the Public Peace."

In the petition referred to, it was stated, "That on the 14th of August last, two persons of the names of Francis and Honey unfortunately lost their lives, in consequence, as it would appear from the inquests of the coroner, of the illegal and unjustifiable violence of some of the Life-guardsmen, against one or more of whom a verdict in the one case has been returned of 'Wilful Murder,' and in the other of 'Man-slaughter.'"

Sunday, the 26th of August, was the day fixed upon for the interment, at Hammersmith, of the two unfortunate individuals who had lost their lives on the day of the Queen's funeral. There was a procession; and it appeared that after the procession had passed the barracks at Kensington, on its return from the funeral of Francis and Honey, a collision took place between the soldiers and the assembled populace. In this disturbance, an assault was alleged to have been committed on the person of Mr. Sheriff Waithman, who, in virtue of his office, was in attendance on the occasion. Sir William Curtis seconded the motion, but contended that the Sheriff had no authority to act upon the occasion; and that it would have been much better for him to have remained at home. After Colonel Lygon, the officer in command of the troops at Knightsbridge, on the 26th of August, had stated the facts of the case as they had come within his own knowledge, and after Mr. Hobhouse had spoken in support of the petition, Mr. Secretary PEEL arose to address the House.

The Right Hon. Gentleman (Mr. Peel) said, that in the vote which he intended to give that night, and in the view which he intended to take of the question, he should be guided solely by those general principles, which ought to be considered as valid in all arguments for instituting inquiry. He should commence his observations by assuring the worthy alderman opposite, that a desire to criminate Mr. Sheriff Waithman had never entered his mind, and that he was not urged by any feelings of ill will to that individual to give a negative to the proposition for inquiry. He must also assure his hon. and gallant friend (Colonel Lygon) that he fully entered into his feelings, and comprehended the reasons why he was anxious to have an inquiry instituted into the conduct of the regiment to which he belonged; but, at the same time, he could not admit that those feelings would justify him in permitting an inquiry to be made. Still less could he admit that a legitimate ground for inquiry was made by his hon. friend, the alderman near him, who had wished it to be made in order that the common council of London might be exposed to general censure and ridicule. The ground upon which he should form his decision would be this—had there been any grounds stated in the speech of the hon. mover, or contained in the documents then in the possession of the House, which would justify it in departing from its ordinary course, and instituting an extra-judicial inquiry? That there were allegations of outrage in the letters of Alderman Waithman, and in the petition which had been presented by the corporation of London, he was ready to admit; but when he looked at the evidence upon which these allegations rested, he was bound to state his opinion, that it by no means bore them out. An inquiry had been instituted by Earl Bathurst into the whole transaction, and had been instituted on oath. He should not, however, refer to the depositions which had been so collected; but arguing solely from that evidence which the common council had collected, he should endeavour to transfer into their minds the conviction which existed in his own, that it was insufficient to prove the accusations which had been founded upon it. An hon. member had said, "Give us an inquiry, because an outrage has been committed." On the contrary, he said, "No outrage had been committed, and therefore he could

not consent to grant inquiry." The worthy alderman near him had anticipated one objection which he had intended to raise against the evidence admitted by the committee. It was the testimony given by Mr. Olive to which he had alluded. After stating that he had been at Knightsbridge, he added, "All that I know was, that I was in company with a friend of mine on Monday or Tuesday evening, and he said that he had been into the shop of a person of the name of Crabb, and heard a man of the name of Properjohn, or his man, tell Mr. Crabb that he heard a corporal of the Life-guardsmen say, "Damn Alderman Waithman—we are prepared for him, and have got a ball ready for him." The next question put to him was, "Do you know the man? Where does Properjohn live?" To which he made answer, "At Knightsbridge—he is a butcher." Now, he wished to be informed why, as the residence of Properjohn and his man was known, they were not summoned to give their evidence upon that particular point. They could have stated whether such language as "Damn Alderman Waithman, we have got a ball ready for him," had or had not been used; and surely it was the duty of those who conducted that examination to have called Properjohn, or Popplejohn, or whatever his uncouth name might be, to give evidence before them regarding such atrocious language. The House would be able to judge of the general character of the evidence from the specimen which he had just submitted to it. He would now call upon them to consider how far that general evidence supported the particular charges founded upon it. It was almost unnecessary for him to mention to the House, that on the day of the Queen's funeral two men lost their lives at Cumberland-gate; that their bodies were afterwards buried at Hammersmith, and that the funeral procession passed by Knightsbridge barracks. He could not help regretting, that after it was determined to select Hammersmith church for the place of burial for those two unfortunate individuals, those who possessed influence over the parties intending to join the procession had not exercised it in persuading them not to select the road passing the barracks of the soldiers who had caused the deaths in question, as the road by which they would proceed to Hammersmith—a parish with which neither of the deceased had any connexion whatsoever. Now, the first allegation in Mr. Waithman's letter was, "that the funeral passed the barracks in an orderly and quiet manner, marked by no other peculiar circumstance than that of a brick being thrown from the barracks, which fell near my horse, and wounded, as I am informed, a young girl." Now, really, before Mr. Waithman had given publicity to the statement that so wanton an act had been committed, he ought to have ascertained two distinct points; first, that a brick had been thrown from the barracks; and secondly, that it had wounded a young girl. He would admit that, if a brickbat had been thrown from the barracks into the crowd, as the funeral procession was passing, it would have been, if not a justification, at least a palliation, of the insults which, before the close of the day, the mob took occasion to offer to the soldiery. On looking, however, to the evidence, he could not find any proof whatsoever of that allegation. In the letter of Mr. Mortimer, which it had been stated could not be shaken in any of its details, he found the following statement:—"The only provocation given to tumult on the passage of the funeral to Hammersmith, was occasioned by a brickbat being thrown, as it was said, from the barracks at Knightsbridge, by the individual who produced it to you, and who appeared to be cut by the same." Now, he would ask, was that individual the girl who, it was said, was wounded? He found not the slightest proof of it in any part of the evidence. A woman, however, was wounded in the course of the day, but under what circumstances? Why, on the return of the procession from Hammersmith. There were evident attempts made by some members of the committee of the common council to prove that this woman was the girl that was said to be wounded. Mrs. Brooks is called to give evidence regarding this woman, and, among the questions asked her, the following formed a part:—"Is she a married woman?—She is a widow. Was she a small sized woman?—About the size that I am: she is rather slight." Now, could the House believe it?—so eager was the committee to prove this woman to have been the young girl mentioned in Mr. Waithman's letter, that though the witness had stated that the woman was a widow, they asked, "Is she a girl?" And the answer they received was, "No; she is as old as I am." The unfortunate woman herself was afterwards called; and her evidence was decisive that she was not the person alluded to in Mr. Waithman's letter. She was asked, "Were you at the

barracks before the funeral passed by?" To which she replied, "I was—I went by with it." She was then asked to describe how she got the blow under which she suffered. She replied that she had got it as she was going towards the Park gate. Before he came to the next question he thought it necessary to observe, that the conflict was going on at that time on both sides of her. Now, the question was, "It struck you behind?—Yes. Therefore you could not see where it came from?—No. Which way was your face?—Coming up towards Oxford-street: they did say that that came over the barrack wall, but I did not see that myself. Did you hear the people about you say that at the time?—Yes. Were you in that position that it might come from the barrack wall? Yes, it might come from the barrack wall, for I was not very far from it at the time; I did not see the stone, though it must have been a large one." Upon this evidence he felt himself justified in stating, that this first allegation of Mr. Waithman was not proved. The next specific statement in Mr. Waithman's letter was, that a soldier had loaded a carbine and directed it at him; but that a constable, on seeing the circumstance, had knocked the carbine down. Now, such an allegation was an allegation of great importance; for, if it could be proved that the man had directed his carbine against Mr. Waithman, and had it knocked down whilst it was so directed, the moral guilt of that man's conduct was not much less than it would have been had he actually fired at Mr. Waithman. But, after reading every part of the evidence with great attention, he could not help concluding that, whether the man in question acted with propriety or not, he had not his carbine in the direction which Mr. Waithman stated. He should think that the evidence of the constable who had knocked down the carbine was the best that could be offered upon such a point; and here he must say that that officer, who spoke decidedly upon the conciliatory conduct of Mr. Waithman during the whole day, could not be considered to have given his evidence with any bias against that gentleman. Now, what did Levi say?—"I perceived a man standing on the bank with a carbine in his hand: when first I came to him, he held it in this manner (describing it); and just as I got up, he was levelling it in this manner (describing it); I had a staff in one hand and a stick in the other. I ran up to him right at the muzzle of the piece; I struck him, and hit him over the hand, and down the piece went, and I caught hold of it. I then laid hold of him, and said, 'You villain, has there not been bloodshed sufficient, without your spilling more?' and I had the piece, I think, in my left hand, and he had hold of the butt of it; he said, 'My life is in danger;' and I said, 'Go in, and I will protect you;' and I believe I did go with him into the barracks." He was then asked the following questions, to which he called the particular attention of the House:—"What was your idea of his pointing—was it that he was singling out the sheriff?—I cannot say that; I was so irritated with seeing him with the piece, and the people squalling on the opposite side; but he had it in different directions. Was it in that position that it appeared to be presented at Sheriff Waithman?—If I were upon my oath, I could not state that." A short time afterwards the same witness was asked, "Did you imagine at the time you saw the soldier that he was looking at or for any one in order to shoot him?" To which his reply was as follows: "My impression was, that he might have picked out any person that he pleased, because he stood in that elevated situation; if I wanted to shoot a person directly opposite to me, I should not elevate my piece, but this was held up in this manner (describing it)." The evidence which he had just read to the House was, he trusted, quite sufficient to show that these allegations were not such as could be safely relied on. There was only another specific statement in Mr. Waithman's letter that was of any importance, and he would give it to the House in Mr. Waithman's own words:—"I could not obtain an interview with any of the officers of the regiment; and when I desired some of the constables to represent to the officers in the most respectful terms my desire that the soldiers should be kept within the barracks, the message returned was, that the sheriff might be damned—they would not make their men prisoners for him." Now, if such a message had been returned, he would admit that it would have been a most shameful answer; but his gallant friend, the member for Worcestershire, had declared that he had not returned any such message, and had totally denied the use of any such language. Now, he could not help remarking, that it did not appear from this evidence that Mr. Waithman had sent any message at all into the barracks. Levi, the officer who

had delivered it, had stated that "he carried it of his own accord—that he saw danger, and that he had therefore said it." He was then asked "What did you consider gave you authority to go to the barracks, and see the officer, and give Mr. Alderman Waithman's request?" And again he replied, "Because I saw danger would occur from what was going on." Now, though this testimony proved that this request was made to some officers, in the barracks, it did not prove Mr. Waithman's allegation, that it had been made by his specific order. He had now disposed of all the specific allegations, and had shown, he trusted, to the satisfaction of the House, that they were not borne out by the evidence on which they were founded. Against general and sweeping charges, he could not expect to make so decisively victorious a defence. For instance, he could only give a general denial to such an accusation as this—that the sheriff of the county had been left to defend the people against the merciless outrages of an infuriated and armed soldiery, unaided by any means save the constitutional ones in his own power. It was likewise stated, that "the gates had been unexpectedly thrown open, and that the soldiers had rushed out, armed with swords, carbines, and sticks, and attacked the people most furiously, without distinction of age or sex." That would have been a most atrocious fact, if it had been true; but he would appeal to the House whether such a circumstance could have taken place without more mischief having accrued to the people than actually did accrue; or, indeed, without a general massacre having been committed. Against that allegation, however, he would oppose the fact, that only one case of casualty on that day had been reported to the Middlesex Hospital—a fact, into the accuracy of which he had himself taken the trouble to inquire. In the whole evidence collected, he saw not a syllable about any wound inflicted by sword or carbine. In one case, a question was put to a witness about a wounded man, and it turned out that the wounded man was a soldier. There might be cases of wounds with which he and the public were unacquainted; but, if there were, it proved that none of them could have been very serious. He must now, therefore, express a hope that no case had been made out which could warrant the House in instituting an inquiry. If the evidence were so satisfactory as was stated on the other side, there was no reason why some criminal prosecution or indictment should not have been instituted by the sheriff against the military; and yet he had not heard that any legal measures had been adopted by Mr. Waithman against the Life Guards to obtain satisfaction. When he heard it stated that positive orders had been given to the soldiery not to quit their barracks—when he learned that 282 of their windows had been broken by the populace—and when he was also told, that a number of constables were ranged among the crowd to seize on any person that attempted to disturb the peace, he could not conceal his surprise that not a single individual had been apprehended. He was free to admit, that the evidence then before the House went a long way to prove that the general conduct of Mr. Waithman had been most pacific and conciliatory; but still he could not help saying, that after the active part which Mr. Waithman had taken at one of the inquests, he ought to have formed this conclusion, that his presence before Knightsbridge barracks on the day of the funeral could not tend in any great degree to the keeping of the peace. There were, he was very ready to admit, strong expressions often uttered in the heat of particular moments, on which it would be wrong to lay too much stress; but he must say that Mr. Sheriff Waithman did not stand entirely acquitted, in his mind, of imprudence in the manner in which he had conducted himself on the day of the funeral. He found that the sheriff took an opportunity, when the populace were vehement, and apparently ill-disposed to moderation, to address them in words certainly, to say the least of them, imprudent. What other character could he give the sheriff's address, not to hiss the soldiers, "for the best way to annoy the troops was to remain quiet"? Did such expressions become a man intrusted with the high office of sheriff, and acting under such circumstances? They were surely very indiscreet, if not highly improper. When he considered the whole of the circumstances which had occurred at the time—the cry within the barracks among the soldiers, that two of their comrades were overpowered by the mob without—he was not much surprised to find that a few soldiers rushed out to rescue their companions from a situation of danger. He regretted that any act of violence had been committed; but he repeated, that he could not feel surprise at the rush out of a party of soldiers, with whatever weapons they could lay their hands upon at the moment, and that when

they supposed their comrades in danger, they did not show that regard to the peace of the public which they otherwise would have evinced. When, also, he considered that one of the Life-guardsmen was struck by Mr. Sheriff Waithman, and offered no violence in return, he must own that the conscientious conviction of his mind, formed, not on the evidence taken before the secretary of state, but on that given elsewhere, was, that the soldiers had behaved with as much forbearance as could have been expected from them, under all the circumstances of the case, and that there existed no shadow of a ground for the proposed inquiry.

In consequence of some observations which fell from Mr. Denman, the next speaker,—

MR. PEEL rose to explain. The hon. and learned gentleman (Mr. Denman) had stated, that he (Mr. Peel) had said, that he admitted the conciliatory conduct of Mr. Waithman. Now, what he had said was, that upon the evidence which Mr. Waithman had brought forward, it did appear that his conduct was conciliatory. He expressed no opinion of his own.

Mr. Denman understood that the right hon. gentleman had founded all his opinions upon the evidence.

MR. PEEL. All my arguments, not my opinions.

After a protracted discussion, the House divided: ayes, 56; noes, 184; majority against the motion, 128.

## THE SALT TAX.

FEBRUARY 28, 1822.

Mr. Calcraft having moved, "That leave be given to bring in a bill for the gradual reduction of the Duties on Salt,"—

MR. SECRETARY PEEL, in the course of the debate which followed, protested against the doctrine of the hon. and learned gentleman (Mr. Brougham,) who had just sat down. He implored the House to reflect on the situation in which it had so honourably placed itself by the resolution of 1819, and instead of rescinding that vote, he trusted they would re-affirm it by their decision of that night. Did any man doubt the construction that was put by the country on their vote a few nights back? Were not the holders of five per cent. stock at that moment engaged in a negotiation beneficial to the public interest, on the guarantee which that vote gave to the public creditor? He was, on grounds wholly distinct from any considerations of revenue, opposed to any pledge from parliament, as to any gradual repeal of taxation. Such a pledge always operated prejudicially to the interests of the dealer and consumer of the article so taxed. He would not then enter into any detailed statement of the public revenue: the expenditure was 50 millions; the income 55 millions. After applying 33 millions to the payment of the interest of the public debt, there remained 17 millions for the four great departments of the state—army, navy, ordnance, and miscellaneous services. From which of these grants could a reduction be made? He had the authority of the gentleman opposite, that the army must not be reduced. With respect to the navy, even the hon. member for Montrose was willing, though he called for a reduction of the marines, to give a corresponding increase of seamen. His hon. friend himself had complimented his Majesty's government. He did not take any part of that compliment to himself; but with regard to those whom he had the honour to call his colleagues, by what means had they secured the confidence of the hon. baronet and the House? It had been, by pursuing, through a period of great difficulty, a course the opposite of that which his hon. friend in contradiction to his usual practice, now advocated—by rigidly upholding the national faith, and the public character of the country. If the House, for the sake of gaining a temporary and partial popularity, should accede to this motion, they would do that which was at variance with the best interests of the country, and of which, he believed, they would speedily repent.

On a division, Mr. Calcraft's motion was negatived by 169 against 165; majority, 4.

## FUNERAL OF HER LATE MAJESTY, QUEEN CAROLINE.

MARCH 6, 1822.

Mr. Bennet, pursuant to notice, having moved, as a resolution of the House. "That the respect and solemnity which by ancient custom have been observed at the funerals of the Queens of England, have been, at the funeral of her late Majesty, Queen Caroline, unnecessarily and indecorously violated,"—

MR. SECRETARY PEEL, who spoke early in the evening, said, he must premise, that he had no personal knowledge of any of the circumstances involved in this debate; but, after the most careful attention he was capable of bestowing upon the documents to which he had referred in his office, his conscientious conclusion was, that throughout the arrangements for her late Majesty's funeral, the responsible persons connected with government were entirely actuated by a desire to pay all proper respect to the high rank of the deceased. He wished to take this opportunity of recording his entire acquiescence in every proceeding upon that occasion, and his complete conviction, that no other course could have been pursued with equal propriety. He approached the discussion with the intention of doing that which seemed to be in conformity with the wishes of the House, namely, to avoid every topic that could create irritation. He would, therefore, leave unnoticed some things that had fallen from hon. gentlemen on the other side. Upon those points he had already had an opportunity of expressing his opinion, and he did not wish to revive the topics, and to bring them again into discussion. The real question was embodied in the resolution of the hon. mover, and it was this:—whether it were fit for the House to mark its censure of government, by declaring that there was a want of due respect in the proceedings that took place after the demise of her late Majesty. For himself, he was willing to rest the decision upon the speeches of the hon. members for Shrewsbury and Aberdeen, comparing the impression which those speeches had made with the effect produced by the addresses of the Lord of the admiralty, of the hon. officer who conducted the military arrangements, and of the hon. gentleman connected with the department of the lord chamberlain. He appealed confidently to the House, whether those three honourable gentlemen had not afforded conclusive proofs as to the *animus* by which the proceedings were governed; for it was impossible to draw from their statements any other inference, than that it had been the intention of government to regulate the whole funeral with every regard to the decorum due to an occasion so melancholy. If an accidental circumstance had occurred; if, as the hon. member for Aberdeen had contended, there was some defect in detail; if some strap had been broken, or some boat had been absent that ought to have been in waiting; would the House, from such a paltry deficiency, such an insignificant trifle, draw a conclusion adverse to all that had been said on the most unquestionable authority? As to what had fallen from the hon. member for Aberdeen, it had only produced a conviction in his mind, that whatever course ministers had adopted, the hon. gentleman would have been prepared to find fault with it. From those very circumstances that testified respect, the hon. member would have argued that it had been wholly disregarded. To one point the gallant general had very properly adverted. Was it possible that the hon. member, a professed mourner for the Queen, when he recollected the preparations that were made for hanging the apartments with black cloth, should have made an objection to them which it would have been thought could never have entered into the mind of any man except a tailor? Could any man believe that the wrath of the hon. gentleman was directed against the profligate expenditure of cloth employed upon that occasion? This evinced, beyond refutation, the disposition to find fault with ministers, whether right or wrong. Remarkable as the hon. gentleman was for economy, the economy of justice and of common candour in such an objection was to the full as remarkable. Next, the same hon. gentleman had complained, that the military escort was a mockery of her majesty; and yet, with singular inconsistency he had turned round and objected, that that mockery had been continued no further than Whitechapel. The speeches of the three hon. gentlemen, to whom he had already referred with so much satisfaction, must have established this fact, that, at least on the part of the admiralty, there was no want of respect in the preparations. The hon. member for

Shrewsbury had admitted that the embarkation had been properly conducted. With respect to what occurred after the embarkation, even the hon. member for Montrose had allowed, that if an hon. officer behind him had been present, there would have been no ground of complaint. On the conduct of the military he might refer the House, without hesitation, to the speech of the hon. colonel as distinctly and undeniably showing, that in that quarter no want of respect had been evinced. The question was thus considerably narrowed. He would follow the hon. mover through some of the points to which he had adverted, and he trusted that the explanations he should supply would be satisfactory. Her Majesty died on Tuesday, the 7th of August, and a communication was immediately made to the executors, that government would bear the expenses of her interment. Her Majesty had left a will in which she expressed a strong desire that, within three days after her death, her body should be removed to Brunswick, and there buried. Whether her Majesty had or had not good reasons for this request, he appealed to the House whether ministers were not bound to consult the recorded wish of her Majesty? It was the duty of government, as far as possible, to carry into effect the wishes of the Queen. He conceived also that this very fact—that the interval of three days only was allowed—conclusively showed, that it was the desire of her Majesty that her funeral should be as private as was consistent with her rank. He was fully authorized in saying, that it was the decided impression of government, that such was the wish of her Majesty, because no time was lost in giving preparations on this side of the water, and also at Brunswick. The removal of the body did not take place until Tuesday, the 14th of August; and this delay beyond the three days prescribed was evidence that there was no indecent haste. The hon. member complained, that the usual mark of respect was not shown, the corpse not having been removed by yeomen of the guard. This was the first distinct and specific fact pointed out as evincing disrespect. Upon this point and upon every other, he might be permitted to observe, that it was intended that the funeral of the Queen should be conducted in the same way as the funerals of any other member of the royal family. The same ceremonies had been observed on the death of the Duke of Kent, and of the Duchess of York; the same orders had been given, the same military escort provided; the guns had been fired, and the flags hoisted half-mast high. He had made inquiry into the subject, and he was informed, on the first authority, that in the two instances to which he had referred, the bodies were not removed by the yeomen of the guard. In this instance, therefore, there had been no failure of respect. The procession left Brandenburgh-house on the morning of the 14th of August. The government had, as he had mentioned, communicated their intention to take charge of the funeral, and to pay the expenses attending it, and no objection had been stated to it. It was needless to remind the House of the circumstances that delayed the funeral on the first day of its journey. He would only say, that the annals of the world did not present a more disgraceful outrage. If such a scene had occurred in another country—if, on the funeral of the Queen consort of any other kingdom these insults had been offered, because the king had ordered the procession to take a certain course, and if it had been actually diverted from its prescribed line, would not any dispassionate observer have deemed that the reign of anarchy in the country thus disgraced was complete? Application had been distinctly made that the corpse should pass through the city, and that application was as distinctly refused and notified. Yet the people (or the rabble, miscalled the people) had made an assault upon the procession, had attacked the military, and had committed one of the grossest violations of the law. It was most absurd to contend that government, who had merely supported the laws of the land, were responsible for what had occurred on the 14th of August. They who resisted the law were alone answerable. The law must be asserted, and the penalty ought to fall upon those who obstructed its course. He hoped it would not be supposed that he was insensible of the loss of life sustained on that unhappy occasion, or that he treated it lightly. He had spoken as he had done, because he was a real friend of humanity. Ministers had no alternative but steadily and fearlessly to enforce the execution of the law; and, though he did not find fault with the intentions of the public officer employed to enforce it, he most cordially concurred with those who had held that he ought to be removed from his situation. With regard to the indecent haste which it was said attended the embarkation, he agreed that there was some apparent haste



in this proceeding; but let it be recollected that it was at first proposed that two days only should be occupied in the journey to Harwich, whereas three were consumed, and it was not until the afternoon of the third that the royal corpse was put on board the ship prepared to receive it. As to what had occurred at Colchester, the executors had resigned to the lord chamberlain the charge of conducting the whole funeral, and while the body lay in the church, an attempt was made to place upon the coffin this inscription, "To the memory of the injured Queen of England." Was it possible for the officers of his Majesty to allow such words to remain? Had the executors undertaken the duty of managing the funeral, there might have been some room for discussion on this point; but as it was, was it to be endured that an inscription should remain, recording a condemnation of the king's government? Here he must again say, that if an outrage of decorum had been committed, they who attempted to affix, not who resisted the affixing of the inscription, were responsible. The only remaining point was the omission of the funeral service at Brunswick. He had made many inquiries, and had been distinctly informed, that the same ceremony had been observed that attended the interment of other royal personages in Brunswick. In point of fact, whatever was prescribed by the custom of the country was performed, and we were not to judge of other services by our own. The hon. gentleman had himself admitted, that the ceremony was the same on the death of the Duke of Brunswick; and, if other members of the same family were buried under similar circumstances, it could hardly be said that there existed any ground of complaint. He had endeavoured to conform to the wish of the House, by confining himself to the topics urged on the other side. He had not travelled beyond the limits he had at first prescribed to himself; and he trusted that the House, by negating the motion, would come to the conclusion, that government had been influenced by no other desire than to accomplish the wishes of her Majesty, having conducted the whole proceeding with all due decency, decorum, and solemnity.

The motion was negated without a division.

## ILCHESTER GAOL.—TREATMENT OF MR. HUNT AND OTHER PRISONERS.

MARCH 13, 1822.

Sir R. Wilson presented a petition from a person of the name of Joseph Healy; the object of which was, to implore the House to address his Majesty in order to obtain a remission of the remaining part of Mr. Hunt's imprisonment in Ilchester gaol. Mr. Fowell Buxton animadverted at length upon the severities and cruelties which had been exercised by the gaoler.

MR. SECRETARY PEEL said, he had read the report of the Commissioners of Inquiry with that regret which any man must feel, at discovering the particular instances of misconduct alluded to. No man could read without indignation the treatment inflicted upon three of the prisoners, on the head of one of whom a blister had been put, not for the purpose of administering relief or consolation, but to augment the punishment of an individual for refractory conduct. Such an instance of cruelty could not be read without indignation, not only against the person applying for the blister, but the medical man who had administered it. He did not ask the House to withhold their unqualified censure, from those who had so justly incurred it; but he only called upon them to suspend their judgment upon the whole case, until the evidence should be presented. With respect to Mr. Hunt, the circumstances must, indeed, be very special and strong, which, in the present instance, would induce him to discuss it; particularly as the subject would in a few days come before them in the shape of a specific motion; but he had no objection to state the result of the inquiries he had made into Mr. Hunt's present condition in the prison. Mr. Hunt occupied two rooms in the gaol, which had a northern aspect; the adjoining ward was appropriated for the reception of two prisoners who waited on him; and he had the privilege of walking at stated times in the yard. That contradictory orders had been issued respecting Mr. Hunt, he knew; but he must defend the magistrates from the

suspicion of being actuated by unworthy motives in any part of their conduct. He believed that they were much disposed to make the situation of Mr. Hunt as comfortable as was consistent with the discharge of their duties. Commissioners were now sitting to consider how far the situation of Ilchester gaol was susceptible of improvement. With respect to the admission of Mr. Hunt's friends, the high sheriff had taken upon his own responsibility to admit them, subject to the terms of the regulation which subsisted when Mr. Hunt first entered the prison, and to which he was not understood to have objected. It was evident that the magistrates had taken great pains to render the gaol as commodious as possible, and to remedy the obvious defects of its situation. They had directed an inquiry to be instituted, to ascertain the best mode of repairing the prison, and to report the progress they had made, at the next quarter sessions. That some of the visiting magistrates had been guilty of negligence, he would candidly admit; but it had obviously arisen from their confidence in the gaoler, who had deserved every praise for his conduct during the time that the typhus fever raged in the prison. He did not refer to that conduct as in any degree palliating his subsequent misconduct, but only as justifying the confidence which the magistrates had reposed in him. He came to them from the hulks, recommended by an excellent character, and it was by his previous conduct that he had been able, naturally enough, to impose upon them. So well had he deserved that character when he first had the superintendence of the prison, that the honourable member for Weymouth, when he had visited it, said, "I was not so fortunate as to see the gaoler, but the general aspect of the prison convinced me that he had done his duty well towards the magistrates, who had also nobly discharged theirs." The right hon. gentleman concluded by urging the propriety of placing a confidence in the integrity and impartiality of the magistracy, on account of the great importance of their gratuitous services to the country, and the necessity of giving them the fullest support.

## THE OFFICE OF JOINT POSTMASTER-GENERAL.

MARCH 13, 1822.

Lord Normanby moved, as a resolution, "That it is the opinion of this House, that without detriment to the public service, the duties of Joint Postmaster-General might be performed by one individual, and the salary of the other be thereby saved to the public."

In the course of the debate which followed,—

MR. SECRETARY PEEL said, that his noble friend who had commenced the present discussion had treated the question with reference solely to the duties of the particular office. He had been followed by his right hon. friend, who had met the question on the general ground of principle, and had declared that the proposition was *ab initio* to be resisted as an attempt to diminish the legitimate influence of the Crown. He did not, however, understand that his right hon. friend in any way conceded that the office was unnecessary, because he had met it on more enlarged grounds, which he thought sufficient to decide the question. He hoped however, he should not treat the subject unfairly, if he combined both the elements of the discussion which had been heretofore taken separately, and considered, in the first place, whether the particular office were so entirely inefficient as it had been represented to be; and, in the second place, what effect its abolition would have on the general interests of the state. On the first part of the question he should submit some considerations, which, if not conclusive in themselves, it was at least fit that the house should advert to. In considering the nature of a particular office, it was fit first to inquire when it was founded, in order to ascertain the circumstances which might have called for it. Antiquity was not in itself a proof of the importance of an office; but, on the other hand, if it had been created under temporary circumstances, which had passed away, a very strong argument in favour of the abolition of an office was afforded. They were now constantly referred to the year 1792. The establishment of that time was the standard to which every thing was to be brought. If the office had been created since that time, in consequence of the war that had intervened, there was a fair

presumption that it should be abolished. He also referred to '92; but it was to 1692, and in that year he found the office in existence, and held by two joint post-masters-general. That, therefore, was a slight presumption in favour of the office: but there might have been, it was true, such a diminution in the duties of the office, and the nature of it might have so changed, that that presumption might be destroyed. Was there any such diminution? He asked the House to look at the duties and efficiency of the office, as measured by the revenue which it controlled, and they would see that the office established at the Revolution had had a constant and gradual increase of duties assigned to it. He only said that this was a presumption in favour of the office; but it certainly was a strong presumption, if they found that of an office established at such a time the duties had since been quintupled. He should only take a few periods in the last reign to show the increase of the Post-office revenues. In 1764, the revenue of the Post-office was £430,000; in 1783 it was £484,000; in 1793 it was £627,000; in 1795 it was £705,000; and in 1815, and since, it was upwards of two millions.—So much as to the increase of the duties of the office, from which the House would judge whether it could be presumed to be entirely inefficient. As to the particular testimony to the efficiency of the office, they had an authority beyond all exception, in the committee of 1797; for never was there a committee to which such general and just compliments had been paid, without reference to party. What was the report of that committee? Why, that on account of the importance of the establishment to commerce and to the revenue, it was worthy of consideration whether there should not be a board of commissioners, as in the other great departments of the revenue. The committee stated truly, that much depended on the skill in making the various and numerous contracts. Now, the measure suggested by the committee would have greatly increased the influence of the Crown; for supposing five commissioners were appointed at £1,000 a-year, though there was not more expense than with two joint post-masters at £2,500 a-year, there could be no question that the patronage would be augmented by the distribution. The committee observed also, that the patronage in the hands of the Post-office was most extensive and important, and required much knowledge and considerable attention to the character of individuals. Now, what was the proposition of one hon. member? That it should all be transferred to the Treasury, and that Mr. Freeling should be the executive officer. The proposition of the committee of 1797 was supported by the committee, on the ground that greater regularity and despatch would be obtained from a commission. But the business of the Post-office could not be managed with greater regularity and despatch than since 1797; and it was not fair to attribute all the merit of this universally acknowledged result to a subordinate officer of the board. Certainly, if the question were between him and the committee of 1797, whether the board of commissioners should be appointed, he had no doubt the gentlemen opposite to him would hold his argument to be valid. Then came the committee of 1817, which had, indeed, after the experience the country had had, decided against the proposal for putting the management of the post-office under a board of commissioners of more than two, but still was not prepared to say that the business should be managed by only one. The duties of the office were of a peculiar nature, not only as regarded the amount of the revenue, but the amount of the expenditure. The revenue amounted to two millions; the expenditure was as much as half a million. Now, all the payments were under warrant of the joint postmaster; and Mr. Freeling, whose testimony on this point would, perhaps, not be taken, had stated his opinion that there should be two lords. As for the evidence of Lord Chesterfield, no inference unfavourable to the office could be drawn from it. Being asked, what was the result when there was a difference of opinion on any subject referred? he answered, that the business was so amicably managed, that a difference seldom occurred, but that if any did occur, the junior would naturally yield to the senior. Now, this was necessarily the case in all co-ordinate jurisdictions—the least experienced officer generally gave way. The salary of the joint postmaster had been fixed in 1785 at £5,000—the present amount. Had they heard nothing of economy then? Had there been no reform of the civil list—no regulation of political, household, and useless offices? Did Mr. Burke, however, at that time, when in the full career of his reforms, touch the office of joint postmaster, the revenue under whose management was one-third of its present amount? The only two state

offices which Mr. Burke proposed to touch, were the president of the board of trade and the third secretary of state. The office of the postmaster-general must have been under consideration; but he left it untouched. When they saw, therefore, that Mr. Burke, in laying down his large and luminous principles for the management of every department of the state, had thought it unfit to be abolished—when the duties had since been trebled—when it was proved that there were daily matters of reference on the most important matters—when the revenue managed was two millions, and the actual payments £500,000, he could not consent to treat it as an entirely useless and inefficient office. He now approached the more enlarged view of this subject which had been taken by others; and he approached it with great diffidence, because he could not argue it without letting in questions of great difficulty, delicacy, and magnitude, as they respected the constitution of the country. It was, he thought, impossible to say what the just and exact influence of the Crown should be. At various periods the extent of that influence must vary with the varying circumstances of the time. At present a very considerable alteration had been effected in the manners and habits of the country. The constant publication of the discussions in that House—the deference to public opinion which now marked their proceedings infinitely more than at any former period, greatly outweighed any ill that might be apprehended from the supposed increase of the influence of the Crown. Still, however, he knew no subject more difficult to argue on than the just influence of the Crown. But, if he saw an office remaining untouched for a long period—remaining untouched, when other offices were new-modelled—he could not help thinking that it might fairly be considered as forming a part of that influence which he thought was just. He had heard doctrines stated in the course of the present session, with respect to the mode of governing a great country, which excited as much surprise in his mind, as the sentiments expressed that night appeared to have excited in the mind of his honourable friend (Mr. Bankes). The honourable member for Sandwich (Mr. Marryat) had argued, that because the depressed state of trade had compelled him to dismiss four clerks from his office, there must, therefore, be a necessity for a considerable reduction in the establishments of the country. He, however, could not allow that there was any analogy between the business of a merchant's house, however respectable, and the mode in which the concerns of a great state were to be carried on [Hear.] Again, the hon. member for Appleby (Mr. Creevey) would lead the House to suppose, that no provision should be made for those who had passed their lives in the service of the public. He had described public men as a corporation, established for their own benefit; and he had attacked a sum of no great magnitude as being entirely too great for the reward of their services. He (Mr. Peel) had observed upon that occasion, a studious forgetfulness of all that had been done for the abolition of sinecures—an utter neglect of those measures which had been taken for contracting the undue influence of the Crown. The hon. member must have meant, or he meant nothing, that the service of the country should be left to those who would undertake great duties and trusts for nothing; or that they should be placed in the hands of a wealthy oligarchy, who could afford to labour for a very trifling remuneration. Whether this were the hon. member's meaning or not, he could not say; but, such a proceeding was inconsistent with the principles of our monarchy—inconsistent with the great principles of the constitution—and utterly inconsistent with the principles on which Mr. Burke proposed to introduce his great and comprehensive scheme of reform, when he told the House, with perfect wisdom, that he would not have the duties of the state performed for nothing—he would not give great offices to those who were able to outbid their competitors on a sinking scale. He told them, that if this country depended too much on the offers of severe and restrictive virtue—that if it trusted for the performance of public duties to the generosity of individuals, it would rue its acquiescence in such a principle. He added, that the country would find itself most inefficiently served, if it gave offices of importance to those who were willing to take them for the least possible emolument. This high principle had been acted on no later than in the last session. A sum was voted, which parliament thought sufficient to support lofty rank and elevated station. That sum was refused. But the answer of the House of Commons—and that answer re-echoed by the public—was, “we will not hear of a refusal—we have voted the money, and we cannot take it back, however interested the

individual may be in the refusal." [Hear.].—The considerations to which he had adverted must be taken in the account in arguing this question. But there were others, which, though of a subordinate nature, the House would not overlook. Let the House consider what was the extent of business in the different public departments. If they looked to that point, they would find, that though the same number of offices existed, yet the fact was, that the extent of influence had decreased. The influence even of a high and efficient office at present, was very different from what it was formerly. The occupation of time in an office, the multiplication of duties, the necessary attendance in parliament, rendered individuals of extensive influence less anxious than formerly for office; and, though these duties did not degrade the office, yet they tended to contract that extent of influence which was heretofore known to exist. The Treasury department existed as it did in 1792, but its duties had increased in an eight-fold proportion; and, from the increase of business in the Treasury, the increase in other departments might be inferred. The number of official papers examined by the Treasury was—in 1793, 2,833; in 1797, 4,400; in 1815, 19,000; and in 1819 and 1820, 25,000. Thus progressively rising from about 3,000 in 1793, to 25,000 in 1819. Now, as the duties of office were thus increased, the desire of individuals, possessing extensive fortune and influence, had, it was fair to infer, proportionably decreased. He did not think there could be a principle of greater importance than that on which they were now called on to decide. The House might abolish the office; but if they did so on the principle that they thereby reduced the just influence of the Crown, he would ask them, whether they were not doing that which was, not indeed inconsistent with the safety of the country, but which was inconsistent with the substantial interests of the country? The safety of the country would not be compromised by this act. But was nothing more than its safety to be considered? Were they not to look with an anxious eye to the substantial interests of the country? There was no reason for believing that the influence of the Crown was more than commensurate with the increased power of other interests. When the influence of other bodies was hourly extended, it was fitting that a proper check should exist. Under all these considerations, he would, on the most conscientious grounds, give his decided negative to the motion.

On a division, the motion was negatived by 184 against 159; majority, 25.

## POLICE OF THE METROPOLIS.

MARCH 14, 1822.

MR. SECRETARY PEEL, in moving for a committee on the police of the metropolis, said, he should abstain from discussing or even giving an opinion upon the subject. He trusted that the House would not attribute his forbearance to any thing like insensibility to the importance of the question; it was the paramount importance of the subject, and its intimate connexion with the criminal jurisprudence of the country, which induced him (adverting to the short time he had been in office) to doubt his competency to treat it as might be expected. Any opinion which he could at present offer to the House must, in the nature of things, be crude and imperfect. In 1816, 1817, and 1818, committees had sat upon the state of our police: those committees had collected much valuable information, but they had concluded their reports by a recommendation of further inquiry; and, in compliance with that recommendation, and of a promise given by ministers last session, he brought forward his present motion. He had endeavoured to form the proposed committee of gentlemen whose attention had been turned to the subject, and who were likely, from the places they represented, to have no peculiar interest in the subject; and he hoped that the inquiry would be prosecuted with but one view—the obtaining for the metropolis as perfect a system of police as was consistent with the character of a free country.—The motion was agreed to, and a committee appointed.

PETITION FROM NEWCASTLE, FOR THE LIBERATION OF  
MR. HUNT.

MARCH 22, 1822.

Mr. Lambton presented a petition from Newcastle-upon-Tyne, signed by 4,820 persons, praying for the liberation of Mr. Hunt, and imputing notorious corruption to the House.—Having moved that the petition do lie upon the table, a discussion ensued, towards the close of which,—

MR. SECRETARY PEEL said, that after perusing the petition, he could not come to the same conclusion as the hon. gentleman had; namely, that no offence was intended by the petitioners. He entirely agreed with him that nothing was more impolitic than to check the expression of the people's complaints; yet he trusted to the hon. gentleman's own candour to admit, that nothing could be so prejudicial to the right of petitioning itself, as suffering the language used by these petitioners to pass without censure. It was a studied attempt to throw obloquy and insult upon all the institutions of the country: it charged the government with instituting vindictive prosecutions, it cast a slur upon the administration of justice, and stated that the judges had punished Mr. Hunt merely because he had endeavoured to bring about a reform. Was it possible to permit such an imputation as this to be cast upon the judges of the land? As to the declaration respecting the imputed notorious corruption of that House, if they once admitted the principle that such an allegation could be allowed in petitions, it would be too late to attempt to stop the repetition of such language. Viewing this petition, therefore, as a precedent, which, if adopted, would inevitably lead to a repetition of insults, he felt himself called upon to reject the petition.

The House divided on the question: ayes, 22; noes, 123; majority against receiving the petition, 101.

## GAOL DELIVERIES—PETITION FROM THE GRAND JURY OF ESSEX.

MARCH 27, 1822.

Sir Eliab Harvey presented a petition from the grand jury of Essex, calling upon the House to devise some means by which general gaol deliveries might be rendered more frequent in the county of Essex.

Mr. Western having seconded the motion of his hon. colleague for bringing up the petition,—

MR. SECRETARY PEEL said, that any one who had read the petition, or had heard the speech of the hon. member for Essex, could not fail to be impressed with the importance of the subject of which it treated. He conceived that nothing could be more proper to petition that House upon, and that hon. members conversant, from their situations in the country, with these matters, should express their opinion, as to the best mode of improving the administration of justice; and he thought the least return that could be made for the manner in which the duties of the magistrates were performed, was to attend to the representations made by them, involving subjects connected with the duties of their situations. He assured the House, that this subject had not escaped the serious attention of his majesty's government, and he hoped the communication he had to make on the subject would convince the House that they were by no means disposed to undervalue the importance of the question. At the same time, the hon. gentleman opposite must in candour admit, that they ought not to approach a change in the established mode of administering justice in the country without due caution; and without taking especial care not to disturb that opinion as to the impartial administration of justice, which it was so desirable should be entertained by the country at large. The fact, that the system of this country was the most perfect system of jurisprudence in the world, imposed upon them the necessity of observing great caution in approaching it for the purpose of making any change. With regard to the remedies proposed by the hon. member for Essex, upon first sight, he could perceive many difficulties in the way of the adoption of the plan laid down by him. That plan was, that one or two judges should attend at the quarter sessions,

to preside over a criminal court, and make the grand and petty juries in attendance co-operate with him. In the first place, it was impossible to carry that plan into effect, without increasing the number of the judges; and to that, all men who had turned their attention to the subject entertained very great objections. That difficulty, therefore, must, in the first instance, be surmounted, and then there would remain other difficulties of still greater magnitude. Any one who had witnessed the administration of the law at the quarter sessions, could not fail to have remarked the vast difference there was between the grand and petty juries on that occasion, and those assembled at the assizes. This being the case, the House would see to what it would tend; and nothing was more to be avoided in the establishment of a new gaol delivery, than the impression that criminal cases were disposed of with less care and attention than at the assizes. If there were an impression on the country that they were attended with less solemnity, it would greatly deteriorate the cause of justice. Another difficulty attending the quarter sessions was, that by law they were required to be held within a week after a certain period, which would disable the judge and the counsel from returning to their duty in the courts in London, in term time. He would take, for instance, the October quarter sessions, to be held within a week of the 11th October. Supposing that day to fall on a Sunday, the session might not begin before the 19th, and the term beginning on the 6th November, how was it possible that the judge and counsel could return to their duties in the Court of King's Bench, and other courts, in sufficient time? The same would be the case in January. These, he knew, were only the details, and might be overcome; but the objection as to the number of the judges, and other objections, were insuperable to any thing being done without the maturest deliberation. The best way was, to apply the means within their power to remedy the evil; and he had to state, that after full consideration, government had determined next winter, to make the experiment of a third gaol delivery in all the counties of the home circuit. Thus, in Essex, Sussex, Kent, Hertfordshire, and Surrey, a judge would go the circuit, and have the usual assistance of a grand and a petty jury. These counties were selected for the experiment, on account of their proximity to the metropolis, not being so open to the inconvenience in point of time to which those more distant were subject; and also in consideration of the greater number of crimes, in proportion to the larger population. The county of Middlesex had eight gaol deliveries, on account of its vicinity to the metropolis, and he saw no reason why the principle upon which those increased deliveries were founded, should not be applied to other counties. But he must say, that he thought the present proposition an exception to the principle, on the ground of its impracticability, and therefore, he must oppose it, at least until the experiment should have been tried to which he had already referred.

Mr. Leicester having expressed his satisfaction at the statement of the hon. secretary,—

MR. PEEL rose, merely to supply an omission in his previous statement with respect to the new circumstances in which it would occasionally place some of the judges. Nothing could be more remote from the intentions of government than to subject them to any additional expense; and he felt confident that if additional expense should arise from the proposed system, that House would most readily make it good.

The petition was ordered to lie on the table, and to be printed.

## AGRICULTURAL DISTRESS.

APRIL 3, 1822.

Mr. Bennett, of Wilts, presented a petition from the inhabitants of Wiltshire, complaining of distress, and praying for relief. A long debate ensued, in the course of which,—

MR. SECRETARY PEEL arose, and said he would put it to hon. members, whether any thing like full discussion could be had at the then moment, and urged the impropriety of partial discussion, as tending to throw erroneous views before the country.

For himself, he rose merely to enter his protest against being supposed to concur in the doctrines of the hon. gentleman opposite; but he could not forbear observing, how easy it would be to show, that the distresses of the country could not be owing to the causes assigned for them. Neither the existence of distress, nor its extent in England, could be denied; but if he found other countries labouring under the same distress, and if he found in those countries no alteration of the currency, no weight of taxation, none of those causes to which the distress of England was ascribed, then he was justified in contending, that it was not entirely out of those causes that the distress of this country had arisen. Now, both in Flanders and in Switzerland the greatest agricultural distress existed at the present moment. In parts of Switzerland the pressure was so severe, that the land-owners actually could not buy implements to till the ground with. Switzerland had neither heavy taxation, nor a changed currency to complain of; it was evident, therefore, that, independent of those circumstances, the same evil which now afflicted England might exist. There were other facts presenting themselves upon the surface of the subject, which went to negative the effect of the causes to which our distress was imputed. The operation of those causes had been (as regarded the country) general; the distress was only partial. And the House should take notice how completely the bill of 1819 had falsified the predictions of those who had opposed it. Gentlemen of the other side had most positively declared, that if the bill passed, the revenue of the country must fail; but the bill had passed, the currency had improved, and the revenue, notwithstanding, had gone on largely increasing. All he asked was, that the bill should be fairly tried, not by its effect upon a particular interest, but by its effect upon the whole interests of the country. He desired that the state of the manufacturing interest might be taken—the state of the poor-rates—the comforts enjoyed by the manufacturing population, and the tranquillity prevailing in the manufacturing districts. He asked, also, that reference might be had, in looking at the bill, to the general state of commerce in the country; and that unfair stigma might not be cast upon the measure, merely because there was a pressure upon the agricultural interest. He asked this, first, because he could not admit partial distress to be a fair criterion; and, next, because he would not admit even that partial distress to be occasioned by the bill.

The petition was received, and ordered to be printed.

## ILCHESTER GAOL.—MR. HUNT'S IMPRISONMENT.

APRIL 24, 1822.

Numerous petitions on the subject having been presented, and Sir Francis Burdett having moved that an humble address be presented to his Majesty, praying that he would be graciously pleased to remit the remainder of Mr. Hunt's imprisonment in Ilchester gaol, a long debate ensued, in the course of which,—

The right hon. MR. SECRETARY PEEL rose, and observed, that the strong impression he felt, that this particular subject was not fit for the consideration of that House, was a sufficient guarantee, that he would not trouble them with many observations. He felt that he might almost put it to the House, whether, in the course of the hon. baronet's speech, he had laid down any thing like sufficient grounds to induce parliament to interfere with the exclusive prerogative of the Crown, and to depart from that which had been the unvaried practice of the House ever since the Revolution? That practice was, not to express any opinion as to the continuance of a punishment awarded to an individual by a court of justice. On the propriety of adhering to that wise and rational practice, unless compelled to depart from it by some overwhelming necessity, there could be but one opinion. But, if there were one man who, more than another, ought to entertain the opinion that this practice should not be departed from, the hon. baronet was that individual. With his avowed opinions of that House—with his recorded complaints of its encroachments on the peculiar province of the Crown—he conceived that the hon. baronet ought to be the last man to propose a precedent, which, if once established, would arrogate to that House a power, than which none could be conceived more fatal to the constitution;



since it would have the effect of enlarging the functions of the democratic part of that constitution, far beyond its useful and natural boundary. The question was simply this—was there, in this case, circumstances of that overwhelming nature, which should tempt the House to interfere with this most important prerogative—that should induce them to meddle with that peculiar attribute of the Crown, which was wholly alienated from the powers of that House, and was unconnected with the ends for which it was instituted? Before he applied himself to the particular case now before the House, he would offer a remark or two on the observation with which the hon. baronet had prefaced his speech. The hon. baronet alluded to a communication which he had had some time ago with him relative to the punishment which had been awarded to certain individuals who were apprehended on suspicion of a highway robbery. The hon. baronet had said, that he (Mr. P.) must not consider it as arising from want of courtesy, if he did not pay him a compliment for the course he had pursued on that occasion. Good God! could any one suppose that he expected a compliment on such an occasion? He should consider it as the most severe satire, if it could be imagined that he looked forward to a compliment because he had discharged a duty. The hon. baronet had stated to him the case of two individuals who were suffering punishment on account of a highway robbery. But on examining the facts of the case, their conduct assumed the character rather of a culpable frolic than of a felonious design. When acquainted with all the circumstances, he had taken the necessary steps for remitting the remainder of the sentence, and the individuals were liberated. He claimed no merit for this act, which, as he before said, was an act of duty. The exercise of mercy ought to be as prompt and as pure as the visitation of justice. Where good reasons were advanced for the extension of mercy, he would immediately attend to them; but he never would consent to recommend any one on the ground of personal favour. But the inference which the hon. baronet attempted to draw from this transaction was, that the system which he (Mr. P.) was anxious to adopt, would lead him to call for the remission of Mr. Hunt's sentence. In the transaction to which the hon. baronet alluded, he had been influenced by a sense of public duty alone; and if he opposed the present motion, his opposition sprang from the same source. After having fully considered the subject, the strongest conviction was impressed on his mind, that nothing could be more inexpedient, nothing could be more fatal, than that the House should agree to this address. They would, if they allowed this motion to be carried, establish a most dangerous precedent. Who was Mr. Hunt, and for what crime had he been committed to this gaol? The hon. baronet had quoted several writers to show that his offence was *inter minora crimina*; but he must look to the intentions of Mr. Hunt, if he wished to discover the particular crime for which that individual was punished. The duty of inquiring into the motives of Mr. Hunt was not assumed voluntarily by him. That duty was imposed on him by the hon. baronet's motion. The hon. baronet had put him on his trial—he had called on him to state to the House on what grounds he refused to recommend a mitigation of Mr. Hunt's sentence. His reason was recorded in the criminal jurisprudence of the country, where it was entered, that Henry Hunt and others were found guilty of “assembling with unlawful banners, and in an unlawful manner.” [Cheering from the Opposition benches.] Was it possible that such a statement should be treated with contempt? Was it possible that a meeting which assembled with unlawful banners, for the purpose of inciting the liege subjects of the king to hatred and contempt of his government, could be treated with levity? If it were so, let that circumstance operate as a warning to the House not to agree to this motion. Let the House well consider the consequences before they acquiesced in an address which told the country that the charge brought against Mr. Hunt was so slight, and his conduct so admirable, that the Commons of England were induced to interfere, and to call on the Crown for a mitigation of punishment. Was there any man who had read what had occurred in Lancaster within the last fortnight, without being convinced of the magnitude of the offence? Did any man see, in the full consideration which the subject then received—in the perfect establishment of all that had been stated on the ministerial side of the House—in the complete refutation of what had been called the Manchester massacre—did any man see, in these circumstances, the least reason for supposing, that the meeting was an innocent one? Had gentlemen read those proceedings?

Had they, professing as they did a respect for the decision of a jury, considered the verdict which was returned by the jury at Lancaster? Were not the most decisive proofs given of the previous drilling—of the manner in which the parties marched—of their inflammatory banners—and of expressions which left no doubt as to the almost avowed object of the meeting? Were they, after such evidence, to be cajoled into a belief, that the object of the meeting was peaceable—that it was only assembled to petition parliament for a redress of grievances? Would they suffer themselves to believe this, and allow the constitution to be sapped and undermined and invaded, by those who took advantage of the liberty which that constitution provided, in order to destroy it with the greater security? He could never view the sentence pronounced on Mr. Hunt as too severe for the crime he had committed. Believing, as he did, that his punishment was fully merited—conceiving that the evidence adduced at his trial fully supported the charge that was preferred against him—he never would, as a servant of the Crown, advise the Crown to remit any part of his sentence. Nay, he would declare, with all respect for the decision of that House, that even its unanimous assent to the motion of the hon. baronet would not induce him to depart from the line of conduct he had adopted, after the most mature consideration that he could possibly give to the subject. He saw nothing in the case that called for commiseration. He saw nothing but accumulated proofs of Mr. Hunt's enormous guilt, in availing himself of that distress by which the country had been visited, for the purpose of inflaming the minds of those with whom he had no other connexion except a community of bad feelings.—And, if he saw nothing in the case of Mr. Hunt that called for parliamentary interference, still less could he see any thing that ought to influence the House in those other circumstances which the hon. baronet had thought proper to introduce. The hon. baronet said, that the sentence of Mr. Hunt was aggravated by the conduct of the magistrates; and he also stated, that he would confine himself to Mr. Hunt's case, and leave all discussion relative to the general discipline which had prevailed in Ilchester gaol for the motion of the hon. alderman (Mr. Wood.) Here he wished to observe, that when that motion should be brought forward, he would be ready to discuss it, and most certainly he would not defend those acts of arbitrary power which were alleged to have been committed. He would fully state his opinion then; but until then, as he saw no necessary connexion between the question now before the House and the system which had prevailed in the prison, he would abstain from noticing it. He would not follow the example of the hon. baronet, who, perceiving that there was nothing in the case of Mr. Hunt, had, with the skill of an artist, referred to other facts in order to inflame the passions of the House. No motion was introduced, it should be remembered, for the release of those prisoners who were thus incidentally mentioned; but Mr. Hunt, who, of all the prisoners in Ilchester gaol, had suffered the least, was selected as an object of special favour. He would put out of the case, the woman who was placed in solitary confinement—he would put out of the case, the blister which was applied to the prisoner's head. No man could defend such acts; no man condemned them more than he did; but he now rejected them, because they were not connected with this motion. The House, if they meant to decide dispassionately, would leave out of their consideration subjects that were not before them. He found that the magistrates and the gaoler had issued contradictory orders with respect to Mr. Hunt; but he must impute the necessity in which that conduct originated to Mr. Hunt himself. Now, admitting every thing that had been stated to be true, supposing that nothing more horrible could be found in the annals of the inquisition than was experienced in that gaol, why, he asked, was Mr. Hunt selected from amongst the sufferers, as the only object of mercy? Was the insalubrity of the air the great cause of complaint? That was an evil, if it existed, which all must feel as well as Mr. Hunt. In the course of twenty years, about £25,000 had been expended on this gaol, to make it as convenient as possible; and, at the present moment, many persons were confined there who had not been convicted of any crime, but who had the misfortune of being in debt. Now, was it consistent with justice to call on the Crown to mitigate the sentence of a convicted offender, on account of the insalubrity of the gaol, while persons who were confined as debtors, were exposed to the same evil? Could they possibly request the Crown to relieve the one, without relieving the other? Or, if they did, would not the omission be fatal, and justly

fatal to the application?—With respect to the other ground advanced by the hon. baronet, that it was through Mr. Hunt's means that an inquiry was set on foot as to the conduct of the gaoler, and that very important disclosures were made in consequence, he must say, that if the hon. baronet compelled him to look at the conduct of Mr. Hunt, he must also take a view of his motives. He did not think that the motives of Mr. Hunt were of the most disinterested character. He believed also, that had he been placed in any other prison in England, some ground would have been discovered on which, in the opinions of some, a secretary of state ought to recommend the remission of his sentence. On the three grounds which formed the main branches of the hon. baronet's argument, he must oppose the motion. The hon. baronet had, he thought, utterly failed in making out a case. He had not shown that the conduct of Mr. Hunt was such as demanded the interference of government: he had not shown that the severity of his sentence had been aggravated by the conduct of the magistrates: and he never could be induced to think that the punishment of the offender was uncommensurate with the offence he had committed. On these grounds, he would oppose the introduction of a principle which had not been acted on since the Revolution. But above all, he implored the House not to let it go forth to the country, that they relieved this man, because he was guilty of sedition, while innocent persons, who were suffering through unavoidable misfortune, were left, unpitied, to their fate.

On a division, the motion was negatived by 223 against 84; majority, 139.

APRIL 25, 1822.

In the course of the debate on Lord John Russell's motion for a Reform of Parliament,—

MR. SECRETARY PEEL rose merely to take some notice of an allusion which had been twice made, to an observation which had fallen from him last night. He did not rise to explain away or retract, but to repeat and uphold what he said with reference to the case of Mr. Hunt. He informed the House last night, that he had advised the Crown not to exercise what he considered the peculiar, exclusive, and almost sacred prerogative of mercy, in the case of Mr. Hunt. He had declared, at the same time, that if the House should determine unanimously to address the Crown in behalf of Mr. Hunt, he would not be the instrument for carrying such a recommendation into effect. This sentiment he now repeated. He did not use it as a menace. He felt himself called upon to make that declaration, from a conscientious conviction as to the merits of the case; and he should consider himself unworthy of the place he held, if any circumstances could induce him to become the instrument of carrying into effect a purpose which he felt to be inconsistent with his conscientious sense of duty.

## ROMAN CATHOLIC PEERS BILL.

APRIL 30, 1822.

At the close of a long and most eloquent speech, the right hon. George Canning moved, "That leave be given to bring in a Bill to relieve Roman Catholic Peers from the disabilities imposed upon them by the Act of the 30th Charles II., with regard to the right of sitting and voting in the House of Peers."

The right hon. G. A. Ellis having seconded the motion,—

MR. SECRETARY PEEL rose and observed that, if his right hon. friend (Mr. Canning) knew to the full extent how sincerely he admired his great talents—if he knew the great delight which he uniformly felt and expressed on every occasion where he had the good fortune to have heard his right hon. friend, he would be able to understand the regret with which he rose to answer the eloquent speech with which the House had been that night delighted. With those who did not know him, he feared he should incur the charge of presumption; but with respect to the House in general, he felt confident that they would excuse him for rising to explain the reasons why he could not come to the conclusion which his right hon. friend would wish the House to arrive at. He knew the situation in which he was placed—he was aware of the difficulty of appealing, with any hope of success, to the House,

whose feelings were warmed, and whose passions were inflamed by the splendid imagery, the imposing eloquence, of his right hon. friend. Cold reasoning and sober views of the question, alone he was competent to present; and he hoped the House would bear with him whilst he endeavoured to execute the difficult task which he felt it his duty to perform. His right hon. friend, at the conclusion of his speech, had thought fit to prescribe the ground which those who might follow him were to take, and the weapons which they were to use. With respect to that, he must say, that as his right hon. friend had given the challenge, those who accepted it were, by all the rules of war, entitled to choice of the weapons. It was not, however, his intention to enter on the discussion of general principles; he would endeavour to confine his observations within those limits which were pointed out by his right hon. friend. He would, in the first place, contend, that there were no reasons why that House should attempt to remove from the Roman Catholic peers those disabilities to which the Commons were subject. Upon no constitutional ground, upon no ground of policy, could he see the propriety of such a measure. As to those noble persons who were the subject of the motion, for their rank and hereditary distinction he felt the greatest respect; but still he would contend, that it was the duty of that House, to oppose a proposition for placing Roman Catholics in the other House of parliament, whilst they continued the disabilities which excluded them from the Commons.

It was a difficult and a painful duty to attempt to follow his right hon. friend, but, however difficult the task, and however painful, he would not omit any argument which was urged by his right hon. friend, and he would endeavour to give to each argument the most fair and the most satisfactory reply. And first, as to the competency of that branch of the legislature to interfere in a matter affecting solely the other House of Parliament. When his right hon. friend said that such an interference was supported by precedents, he had only to observe, that the precedents quoted by his right hon. friend did not appear to him to bear upon the case. The only precedent which appeared at all in point, was that Act by which the spiritual peers were excluded from parliament. That act was passed in the year 1640, immediately before the commencement of the civil war. It was at that period that the House of Commons passed a bill affecting the House of Lords—it was at that period that the precedent was followed; but, surely, it was not a precedent that ought to be followed or upheld. As to the other Act, that of the 30th of Charles II., it repealed the foregoing Act. Could any thing be more natural than that, after such an Act had been passed, the House of Commons should have hastened to repeal it? The object of his right hon. friend was, the repeal of the 30th of Charles II. Did he mean to go to the full extent of that Act? That Act put both peers and commoners under similar disabilities; it subjected both to make declarations against the doctrine of transubstantiation. His right hon. friend had said that from the time of the Reformation, up to the year 1678, the Catholic peers sat in parliament, but that the Roman Catholics had been long before excluded from the House of Commons. He might be permitted to observe, that different opinions were entertained on that subject, and, upon that diversity of opinions, different arguments had been, from time to time, urged in that House. As so much had been said upon precedents, he would be glad to know to what extent his right hon. friend would respect the authority which he was now about to cite. Some, of course, would suppose, that he was about to refer to remote antiquity—to some almost forgotten name—to some musty opinion which could have no reference to the present question, or if it had any, introduced invidiously by those who had an interest in opposing the views which his right hon. friend had taken of the question—that question being, whether, from the accession of Elizabeth to the 30th of Charles II., Catholic peers were on a different footing from Catholic commoners, and had the privilege of sitting and voting in parliament? The House would recollect the discussion which had taken place in the last session of parliament on the question of the Roman Catholic disabilities. The object then was, by a firm and conciliatory arrangement, to put an end to all further discussion, and to bind all his Majesty's subjects in one common interest—in one common feeling—for the defence of the person and family of the king, and the maintenance of the constitution. The House would permit him to refer to the eloquent and impressive speech pronounced on that occasion by his right hon. and learned friend the member for the university of Dublin. In that speech, his right

hon. friend had said, that "the very year before the enactment of the disqualifying statute, the 30th of Charles II., Sir Solomon Swale, a Roman Catholic, and a member of parliament, was expelled that House. For what? Not because he was a Catholic, but because he was a Popish recusant. The argument was to be found in the debates of that time. It was stated by Sir Robert Sawyer, that Sir Solomon had convicted himself by not being duly qualified. The resolution inserted on the Journals of that House states the same disqualification. That expulsion took place the year before the 30th of Charles II." These were the words of his right hon. friend; and if he were correct, it was evident that he cut the ground from under the feet of his right hon. friend (Mr. Canning) so far as he had gone, to show a peculiar difference between the case of the Roman Catholic peers and the commoners. But his right hon. friend had not rested on the case of Sir Solomon Swale alone. In that case an erroneous or unfair judgment might have been passed; but his right hon. friend had cited the title of the Act itself, which was decisive of the question, it was "an Act for disabling Catholics from sitting in either House of Parliament." Thus it appeared, that when the general question was brought before the House, it was contended that, up to the year 1678, every rank was open to the Roman Catholics; and the House was told, that it was a mistake to suppose that the exclusion of the Catholics was coeval with the Reformation; but, when the particular case of the Roman Catholic peers was submitted to their consideration, the case was reversed, and Sir Solomon was forgotten. Not one word was said with respect to the title of the Act. But an attempt was made by his right hon. friend (Mr. Canning) to show a peculiar distinction between the case of the Roman Catholic peers and the commoners. All he (Mr. P.) could say was, that those authorities contradicted each other, and the House could not by any possibility come to the same conclusion with respect to both.

But his right hon. friend had said, that there was a distinction between the peers and the commoners on another ground. His right hon. friend had said that there was something inherent in the privilege of the peers, which ought to protect them from the disabilities complained of. Upon constitutional grounds, he would say, that at whatever period those disabilities might have been imposed on the Catholic peers, no ground was shown by his right hon. friend to induce the House of Commons of the present day to subject the representatives of the people to disabilities from which the peers were to be exempted. He would also say, that there was nothing in the practice of parliament which went to recognise that inherent and exclusive principle for which his right hon. friend contended. The parliament had dealt with the privileges of the peers on more occasions than one. At the time of the Irish Union, the parliament subjected the peers to absolute disabilities. They certainly, on that occasion, introduced the anomaly of peers being elected like commoners; but it was never said—it was never supposed—that any inherent privilege of the peers was a bar to the Union. As to the Scotch Union, it was remarkable that his right hon. friend had omitted to state, how he intended to provide for the case of the Roman Catholic peers that existed at present in Scotland, or that may hereafter be created there. He should like to know whether, in the bill which his right hon. friend had moved for, he intended to introduce a clause to qualify Roman Catholic peers belonging to Scotland to sit and vote in parliament, or whether he intended to respect that article of the Act of Union by which the Scotch peers were pointedly excluded, *eo nomine*, from the House of Peers? They were not left merely subject to a disqualification growing out of certain oaths, but by the letter of the Act, no Papist was qualified to form any part of any of the estates of the realm, or to sit as members for any of those estates. He did not refer to that Act, merely to show that if it were repealed, an anomaly must exist, but he cited it to show, that the legislature did not recognise any inherent principle belonging to the peers, that exempted them from disabilities to which, on the same grounds, commoners were subjected. And when he referred to the Act of Union with Scotland, he might be allowed to ask, who were the persons who framed that Act? Who were the commissioners by whom it was managed? Lord Somers was one of those commissioners, and if there were any inherent principle such as his right hon. friend contended for, would Lord Somers have disregarded it? Would the Act of Union have destroyed it, and destroyed it for ever?

He now proceeded to another ground which his right hon. friend had taken. His right hon. friend seemed to think, that the privileges of the peers were so sacred, that they ought not to be affected any more than their lives or fortunes. The commissioners of the Union with Scotland did not think so. They dealt with those privileges—they excluded the peers from parliament, though they did not interfere with property or with life. His right hon. friend had said that, by excluding the English Roman Catholic peers from parliament an injustice was committed—and a stigma was unnecessarily placed on seven or eight peers. Now, he would ask his right hon. friend whether, by the bill which he intended to introduce, he intended to limit the number to be admitted into the House of Lords to the present existing number of Roman Catholic peers? Was it not, on the contrary, the object of his right hon. friend to give to the Crown the unlimited power of placing as many Catholic peers in the other House of Parliament as it might think fit? Thus, would his right hon. friend emancipate one order of Roman Catholics, whilst the other were left under disabilities. The Act would go to recognise this principle: that those who were not elected—who were nominated by the Crown—were to be freed from all disabilities, whilst those whose functions were temporary—whose power was limited—were to remain excluded.

The House would here permit him to call to their recollection the situation in which it stood with relation to the Catholic question. It was seven or eight months ago since that House had passed a bill to relieve the Roman Catholics from the disabilities under which they labour. That bill declared, that, considering the disposition and conduct of the Catholic body, it was fit and proper that the disabilities under which they laboured, should be removed. What, he might be permitted to ask, was the pressing necessity which could now induce the House to agitate this isolated branch of the question? Since the question had been brought forward by Mr. Fox, and seconded by Mr. Grattan, in the year 1805, up to the present moment, no proposition of the kind had been ever submitted. Why was that anomaly introduced? Under what circumstances was it proposed to the Commons to remove from one order of the king's subjects, disabilities to which they were themselves subjected? It was after his right hon. and learned friend, the member for the University of Dublin, had given notice, that at the earliest possible opportunity in the next session of parliament, he would bring forward the whole of the subject for the consideration of the House. Why, then, should this branch of the subject be pressed at the present moment? Was it that at the end of the session the barren privilege should be conferred upon the Catholic peers to sit in parliament during the recess, when no parliament would be held. If the question were to be agitated the earliest moment that parliament should assemble the next session, he could not see, that any case had been made out to induce the House to entertain at the present moment a peculiar branch of the question.

His right hon. friend had referred to the period at which these disabilities had commenced; and had attempted to attach to the law which excluded Catholic peers from parliament all possible odium, on account of the Popish plot, and the discoveries which had been subsequently made. His right hon. friend had said, that from the time of Elizabeth to the year 1678, the peers had the right of sitting in parliament, and that they were then removed in consequence of the Popish plot. He protested against that mode of treating a legislative question. The exclusion of the Roman Catholic Peers was not to be traced up to the Popish plot, or to any particular act, but was to be accounted for on a general reference to the history of the times. Like all periods of commotion, the times to which his right hon. friend alluded, afforded many causes of distrust; and men were generally predisposed to trace to one cause an event which might have been the effect of many causes. So it happened at the period of the civil wars—so it happened during the French Revolution. But it was not to the Popish plot merely—that the exclusion was to be traced, but to the general state of the times. It was an Act founded on the policy of the legislature in 1678, and confirmed at the period of the Revolution—confirmed at that period when the Bill of Rights was passed, and when a popish king was excluded from the throne. Let any man look to the period of Charles II., and, whether he might think that the story of Oates was a fabrication or not, he would find that there then existed against the liberties and religion of this country a formidable and

an infamous conspiracy. He would find, that the object was not merely to establish the claim of a popish successor to the throne, but the downfall of the religion of the country. In justice to those who laboured to defend that religion, and to support the threatened liberties of the country, it was but fair to bear in mind the peculiar circumstances under which they were placed. The mere jealousy of a popish successor was not the only object of suspicion, with those who were at that day labouring for the salvation of their country. If he, for the sake of argument, admitted that the popish plot was nothing but a fabrication—if with Dryden he were to say—

“Some truth there was, but dashed and brewed with lies,  
To please the fools and puzzle all the wise;  
Succeeding times will equal folly call,  
Believing nothing, or believing all.”—

Or, if he supposed that it was mere madness and folly in those who believed something respecting that plot, yet would he implore the House to take into view the situation of the country at that period. Taking it for granted that the popish plot and the story of Oates were a mere tissue of fabrication, yet would he ask, what had predisposed the country to receive and to credit that fabrication? The country was at that time enlightened. It was at that very period at which Mr. Justice Blackstone described the constitution to have arrived at the highest pitch of theoretical perfection—that period which Mr. Fox described as the æra of good laws and bad government. Why then, at such a period, did the people swallow with avidity every story that was propagated against the Catholics? What had occurred even for the short period of eight years before the passing of the Act? Charles II., by every means and artifice, appealed to every good and generous feeling of the country. He issued a declaration in favour, as he said, of the liberty of conscience. He exercised the dispensing power—that power which stood opposed to the security of public liberty—that power which was reprobated at the Revolution—and he exercised it for the purpose of relaxing the laws against the Roman Catholics. Though he affected to exercise that power in favour of the Dissenters, to their credit, they refused to be relieved from the disabilities under which they laboured, because they saw, in the exercise of that power, a plot for the extinction of the liberties of their country. To forward the Roman Catholic religion in England, Charles entered into a treaty with Louis XIV. The object of his policy and views might be best collected from the confessions contained in Coleman's letters. Coleman was secretary to the Duke of York. They were written in 1675, three years before the enactment of the bill for the exclusion of Catholics from parliament. In one of those letters, he says, “a plan is now in agitation to give a death blow to that pestilential heresy with which the northern parts of Europe are infested.” It went on to say, that the plans which the Duke of York had in agitation, were likely to be more successful than any that had been tried since the time of Mary. It was right to mention these circumstances. It was not fair to confine the discussion to the fabrication, if it were a fabrication, of Oates, whilst other circumstances of that reign served so strikingly to explain the policy of parliament at that period. Charles had also entered into a secret treaty with Louis XIV., by which he expressly declared that he, the king of Great Britain, was convinced of the truth of the Catholic religion—that he was determined to declare himself a Catholic, and to be reconciled to the church of Rome—that for carrying those purposes into execution the assistance of Louis might be necessary. For the purpose of facilitating the design, it was agreed, that the king of France should advance to the king of England £200,000, and should furnish troops and money in case his subjects should rebel against him, which could not be the case. This was a treaty, not with James II., not with the Duke of York, but with Charles II., the reigning monarch, to barter the liberties and religion of this country for £200,000, not half the sum which we should now vote for a Caledonian Canal, or a Milbank Penitentiary. When it was said, that at the time of the Revolution there was no cause for jealousy of the Catholic peers, should it not have been borne in mind, that this disgraceful treaty was concluded by the advice of Lord Arlington, Lord Clifford, and Lord Arundel of Wardour, three Roman Catholic peers? Was it surprising then, that independently of the popish plot there should have existed a peculiar jealousy of Catholic peers?

His right hon. friend had also dwelt with great force on an order of the House of

Lords, passed in 1675, which declared, that the peerage being an inheritable privilege, no bill should be received in that House to impose any test on peers. His right hon. friend had thence argued, that after this solemn declaration, it could only have been under *duress*, or under the influence of extraordinary terror, that the House of Lords could have so shortly passed the bill which disabled Catholic peers from sitting and voting. So far from any such inference being warrantable, in that very bill out of which the order originated, a test was included, which, though it did not pass, was retained in the bill to its latest stage. The date of 1675 was highly important. The whole history of that Act, and the debates upon it, were given by Mr. Locke, in what was called "A Letter from a Person of Quality to his Friend in the Country."\* The Act was not directed against the Roman Catholics, it originated with the Spiritual Lords, and was directed against the persons who were infected with the old leaven of the civil wars. No less than seventeen days were occupied upon it, and it was perfectly true, that in the course of the debates an order was moved by Lord Shaftesbury, to prevent the imposition of test; yet, at the very moment this order was made, the House of Lords did in fact the very thing that was objected to. After the order had been made, the lord keeper proposed a test equally applicable to both Houses; and in Mr. Locke's letter would be found a protest on the subject, the ground of which was, that it was inconsistent with the order. The lord keeper stated, nevertheless, that the House was master of its own orders; and, as far as the bill went, it was accompanied by a test, the effect of which would be, to exclude Roman Catholic peers. The general history of the motives actuating Lords Shaftesbury, Halifax, and Hollis, to support the order, was given by Burnet, who said, that the new test was opposed by those whom he terms Papists, because they well knew that if there were any precedent of a test, it would be applied to themselves. He added, that Lords Shaftesbury, Halifax and others, thought it was not right that any test should be imposed upon members of parliament; that peers were appointed by the Crown, and commons elected by the people; and that it was absurd to impose a test that would shut them out from the national deliberations. At the Revolution, the bill passed requiring the declaration against transubstantiation, and altering the oaths of allegiance and supremacy; and if any Act of parliament could in its nature be permanent, permanency ought to belong to those Acts passed at the period of the Bill of Rights, when it was declared that James II. had a design to extirpate the Protestant religion, and had been under the direction of evil counsels and ministers. Such was the intention of the legislators of that day, and he never could believe, if it were not their intention, that Lord Somers and the other Whigs would in 1705, so soon after the Revolution, have inserted the articles in the Scottish Union, that the Peers and Commons from thence should necessarily be Protestants and Protestants only. At the time of the Revolution, the parliament naturally took a view of the dangers to which, in preceding years, the country had been subjected. They saw in the reign of Charles I., the danger which had flowed from a king under the influence of a Catholic queen. They saw in James II. the danger of a Roman Catholic king, acting directly against the religion of the country. But what did they see in Charles II.? A king in outward conformity with the Protestant church, but under the influence of Catholic advisers, engaged in plans subversive of the liberties of the people and the Protestant religion. Providing, therefore, against the dangers in the several reigns, they declared, to meet the danger of the time of Charles I., that the queen should not be a Catholic; to meet the danger of James II., they declared that the king should be a Protestant; and against the danger of the time of Charles II., they declared that the king should have Protestant advisers. It was from this motive, that, ten years after the discoveries of Oates, the great men who established the Revolution, thus established also the Protestant character of the constitution of the country.

There were two other points to which his right hon. friend had referred. The Catholic peers had been summoned to the solemnity of the coronation; and his right hon. friend had argued, from this act of courtesy, that they should be admitted to the power of legislation. This was the only part of his right hon. friend's speech which he had heard with pain. If a disposition existed among those who maintained the propriety of the disabilities under which the Catholics were placed, to admit them to all the honours and privileges not inconsistent with the safety of the

\* This curious pamphlet will be found in Hansard's Parliamentary History, v. 4. Appendix, p. xxxvii.



state, he had thought that his right hon. friend would be the last to discourage this instance of liberality on the part of the sovereign. If the foreign individuals present at that ceremony, to take up the supposition of his right hon. friend, were told, that the Catholic peers were merely like the wax candles or lustres introduced to fill up the show, and that they were excluded from legislative power in the state, they might have heard it with disgust. But if it were explained to them, that the constitution was essentially Protestant, and that it was the practice to require, not conformity indeed, but an abjuration of the Catholic religion, their admission to all honours consistent with the preservation of the political principle, would be rather deemed a mark of liberality and wisdom. If a disposition appeared on all hands to give the Duke of Norfolk, for instance, not power, but every privilege not involving political power—if there were a disposition to grant to Lord Fingall every honour that could be safely bestowed—he hoped his right hon. friend would view the measures in their proper light, and not take advantage to impose on those who advised or concurred in them the necessity of further concession. Of this he was sure, that if any one had hunted out of the rules of the order of St. Patrick any regulation which might have opposed the admission of Lord Fingall—if any one had said, that the honour was conferred as a reward for loyalty and high character, and Lord Fingall being a Catholic, was not a fit subject to bestow it on—they would not soon have heard the last of the outcry against such a glaring instance of obstinate bigotry. He (Mr. P.) should certainly in such a case have advised the Crown not to execute too rigidly laws which might be in themselves necessary, but to open all the avenues to distinction, when it could be done with safety to the country; and assuredly in such a case he should not have, on that account, deemed himself concluded to admit Catholic peers to a large privilege of a seat in the House of Lords.

His right hon. friend at last of all adverted to the strange state of the legislation, on the subject of the Catholics. But, would the measure proposed by his right hon. friend cure any one of its anomalies? Would not the state of the Irish Catholic peer present a new mass of anomalies? The Irish Catholic peer would be qualified to sit in the House of Peers: he might be elected as a representative peer; but when the same individual offered himself as a member of parliament for a town or county in England (as an Irish peer might do,) he would be turned back, because he could not take those oaths and declarations which he was freed from in the House of Lords. He would ask, whether this were not a striking anomaly? If, also, the Roman Catholic English peer were called as he would be by his writ of summons, to counsel and advise the Crown, "*de rebus concernentibus Ecclesiam Anglicanam*,"—if he were permitted to legislate for the Church of England, would it be no anomaly that he should not be permitted to act as a magistrate in the county in which he might reside; and could he, by any sound argument, maintain, that, for instance, when the Duke of Norfolk was admitted to the first privilege and power of his high rank, he should be precluded from receiving the slightest mark of the confidence of the Crown in the way of official situation. The exclusion under which the Catholic peers would then labour, did not, of course, present itself to him as an evil; but it was a strong reason for postponing the case of the peers, until they also discussed and decided the other parts of the great question.

He saw around him many who had opposed, and many who had supported, on distinct grounds, the Catholic claims. To those who thought with him, that there was danger in the admission of the Catholics to legislative power; to those who thought with him, that it was in the other house of parliament that the danger arose, it would not be necessary to say more, as to a measure for again admitting Catholics into that branch of the legislature; but, with thanks for the indulgence with which the House had heard him, he would address a few words to those who had hitherto supported the Roman Catholic claims. There were many who supported the claims of the Catholics, who thought, whenever this great question came to be discussed, that there should be a final and conciliatory arrangement. To them he should say, that the measure before them would not be final; and he doubted much whether it could be conciliatory. There were others who thought, that when they proceeded to remove the disabilities under which our Catholic brethren laboured, they should consider, at the same time, the whole state of the Catholic Church, with a view to take those securities, which in the last session had been appended to the bill of

relief. In the last session, the right hon. gentleman had objected to separate the securities from the concessions, because if the concessions were not carried, it would not be fair to demand the securities. But he would ask whether it would be wise to pass a partial measure, and to open to the Catholics one branch of the legislature, with no security whatever? What would be their situation, when in some future stage of concession, they began to insist on securities? Would it not be said, "You have opened one branch of the legislature to the Catholics: you have admitted those who have hereditary and irrevocable rights; you have given the Crown the power of calling to the House of Lords any number of its Catholic subjects; you have done this without taking any securities; and when you, the House of Commons, come to admit persons elected by the people to serve only for a limited time, will it not be invidious for you to require those securities which, in the former case, you have declared unnecessary." Would it not be said, when they admitted, not the Duke of Norfolk and Lords Clifford and Shrewsbury only, but all their descendants—when they gave the power of creating any number of Catholic peers, not merely to the reigning monarch, but to monarchs in all time to come—that, if in return for so large a concession to the aristocracy and the Crown, they had required no security, it would be invidious in the representatives of the people to require security against a danger which could arise only through the exercise of the choice of the people? There were those who thought with him, that there was some danger in acceding to the claims of the Catholics, who still said, that that remote and possible danger should be hazarded on account of the state of Ireland, and because they conceived that the government of Ireland was placed on too narrow a basis, and could not be carried on unless they opened the enjoyment of all civil privileges to the Catholic subjects of the king. Would the opening of the House of Lords to Catholic peers, while Catholics were excluded from the House of Commons, advance the views of these gentlemen? There were others who with his right hon. friend, the member for the University of Dublin, viewed this question on the broadest constitutional grounds, on the assertion of the right inherent in every liege subject of his Majesty of admissibility to office. The assertion of this principle he could not give more strongly than in his right hon. friend's own words:—"I speak in the presence of enlightened constitutional lawyers and statesmen, and I do not fear contradiction when I assert, that the doctrine of exclusion is not to be found in the principles or in the analogies of the constitution. It is not to be found in the history of our country, or in the opinions of any of our statesmen; and it is at once inconsistent with the subjects' rights and the king's prerogatives. Ours is a free monarchy, and it is of the essence of such a government, that the king can call for the services of all his liege subjects, otherwise it is not a monarchy; and no class of subjects can be excluded from privileges, otherwise it is not a free monarchy." He appealed to those who had used or adopted this language; and of them he asked—the time being arrived when it was wise and safe to remove restrictions preventing admission into the House of Lords—if it were just or decent to continue the restrictions to admission into the House of Commons? If admissibility to office were a general right belonging to all ranks of Roman Catholics, why were the disabilities of the great mass of that body to be postponed to the claims of a few, however respectable, founded as those claims were, only upon the same inherent right? All he required—and it formed the whole object of his address—was, that the claims of the Roman Catholic peers should be postponed until the whole question, with the securities, should be again introduced. He gave his right hon. friend full credit for the best intentions. He was perfectly sure that his right hon. friend fancied there existed in the case of the peers a peculiarity warranting this distinct motion in their favour: but he was equally certain, that it was neither worthy of the great abilities of his right hon. friend, nor of the character of the House, thus, by a partial measure, to give an advantage to the great question, independent of the principles upon which it must rest its pretensions. He had thus attempted to state why he had arrived at a different conclusion from his right hon. friend. It was not his intention to move the previous question, in order to secure some stray votes, but to meet the motion in the most fair and open manner. He should pursue now the course in which he had always proceeded on this subject, by giving the proposal his most decided negative.

On a division, the motion was carried by 249 against 244; majority, 5.

## AGRICULTURAL DISTRESS REPORT.

MAY 8, 1822.

In the debate upon the order of the day for going into a Committee of the whole House, to consider of the Report of the Committee on the Agricultural Distress,—

MR. SECRETARY PEEL said, that the hon. member (Mr. Western) had objected much to the bill in 1819. Now, as it was the intention of the hon. member to bring that measure separately under the consideration of the House, he should feel it unnecessary to say any thing further upon it at that moment. The question involved so many important considerations, that it ought not to be mixed up with the agricultural question. It was obvious that any alteration in the existing standard must go to alter all the contracts that had been entered into since 1819; and the consequent mischief must be evident to every one. If it were correct that under such an accumulation of burthens and privations, the taxation which bore upon the agricultural interest had increased in the ratio of £40 per cent., he was impressed, more than ever, with an idea of the immense resources of the country, and more than ever anticipated her gradual but certain recovery from temporary depression.

## ROMAN CATHOLIC PEERS BILL.

MAY 10, 1822.

In the debate upon the order of the day, for the second reading of the Roman Catholic Peers Bill,—

MR. SECRETARY PEEL said, that after having stated his sentiments to the House so fully on a former evening, it was not his intention at present to occupy much of their attention. He rose rather for the purpose of removing some misconceptions and misapprehensions. He did not object to the measure, because it was a partial measure, nor did he solicit the vote of any gentleman who might concur with him in his objections to the particular measure, under the impression that when the general question came to be discussed, his (Mr. P.'s) opposition to it would be relaxed. It was impossible, after the House had so recently passed a bill removing the disabilities affecting the Roman Catholics, that he could anticipate so decided an opposition to the general measure, as might have been expected in former times; but he would not relax his opposition to the measure, because he foresaw the probability of its ultimate success. He apprehended that it was in the true spirit of the constitution that members of that House should maintain their opinions to the last, notwithstanding overwhelming majorities against them. If it were probable that the general measure would be carried, the argument for the particular measure was, *pro tanto*, weakened, and in proportion to the probability of the ultimate success of the general measure, he did most earnestly deprecate the success of the present bill. He should merely state the outline of the argument on which he relied, without referring to collateral topics. If the House should take a different view of this question, he should have another interest to look to, and another duty to perform; for it would then become his duty to endeavour to create as little evil, and derive as much good as possible from the measure. He did not object to the present measure because it was partial; for there were some partial measures to which he should not object, such, for instance, as that of placing the English and Irish Roman Catholics on the same footing, or that of granting the distinction of a silk gown, and other privileges, short of the judicial functions, to Roman Catholic barristers. There was a great distinction between a specific and a partial measure; and his objection to the present measure was, that it was partial in its operation, while it was general in its principle. It had been argued, that there could be no danger in restoring a few noblemen of distinguished rank and excellent character to the privileges which their ancestors enjoyed; but, could any man of common sense fail to see the sophistry of this argument? The question was not, whether half a dozen individuals should be restored to the privileges of their ancestors, but whether the disabilities affecting one branch

of the legislature should be removed, while they continued to be imposed on the other—whether the Crown should have the power of creating an unlimited number of Roman Catholic peers, while the people had not the power of returning to the House of Commons a limited number of Roman Catholic representatives? It had been contended, that the disabilities affecting the peers ought to be removed first, because they were latest imposed upon them; but if there were any validity in that argument, it would go to prove that all restrictions should be first removed from the throne.—With regard to securities, that part of the subject had not been discussed in the last debate, and in his opinion it would have been better to pass it over in silence, than to allude to it in so ominous a manner as in the present discussion. They were now told that these securities were never necessary, that they had been adopted merely for the purpose of quieting some ridiculous and exaggerated fears of Protestant bigots, and that the best security was to be derived from the unqualified admission of our Roman Catholic fellow-subjects to the enjoyment of equal rights and privileges. If such were the language adopted now, and the present bill were to pass without any securities, what would be the arguments employed with regard to securities when the general question came to be discussed in the next session? The advocates of this question so frequently shifted their ground, that it was not easy to anticipate their arguments, or unravel all the sophistries to which they might have recourse—

“*Quo teneam vultus mutantem Protea nodo?*”

There could be no doubt, however, that if the present bill passed, it would be urged as an argument next session against every species of security.—There was one point to which he was particularly desirous of calling the attention of his right hon. friend. The present bill professed only to remove the disabilities affecting the Roman Catholic peers; but it went much farther, for it would have the effect of relieving the House of Peers from the necessity of taking the oath of supremacy. This was a most serious difficulty in the way of the measure. So far as authority went, he had that of the late Mr. Grattan, Mr. Ponsonby, and almost all the most enlightened advocates of the general question, against repealing the oath of supremacy. So enamoured, indeed, were they of this oath, that another oath of supremacy, to be taken by Catholic peers, had been annexed to the bill which passed that House in the last session. That oath was solemnly recognised by the Bill of Rights, the charter upon which King William accepted the throne at the Revolution, and which differed from all other Acts of parliament, in being declared to be permanently enacted as the law of the realm for ever. There was the same guarantee, therefore, for the continuation of the oath of supremacy, as for the exclusion of Roman Catholics from the throne, and the maintenance of the rights and liberties of the subject. He could not but consider it a fatal objection to this measure, that it exempted the House of Peers from the necessity of taking this oath, which had been framed in the reign of Elizabeth, and which was solemnly recognised by the Bill of Rights. He would admit, that at the period when the Catholic peers were excluded, the House of Peers was under a temporary alarm from Titus Oates's plot; he would admit that they acted under duress, and that they were not in possession of their right faculties; he would admit that the trial of Lord Strafford was unjust, and that his execution was a judicial murder; yet he still contended, that there might be other concurring circumstances which formed a sufficient ground for the enactment of the bill affecting the peers.—But it was said, that, even admitting that there were circumstances which justified the exclusion of Catholic peers from parliament, those circumstances had ceased, and the disabilities ought to cease with them. If the validity of this argument were admitted, the House must be prepared to abandon many of the best securities for the maintenance of the constitution. Neither the constitution, nor the securities by which it was maintained, were framed *a priori*: they were founded on the experience of the past. They were not called upon to inquire into the causes which led to the Reformation, or to examine minutely the frame of mind in which Henry VIII. wrote a treatise one year “*adversus Martinum Lutherum*,” and, in the next year, on account of his divorce from Queen Catherine, became a violent opponent of the Catholic faith. The Septennial Bill was enacted in consequence of specific circumstances; but were they to return to triennial parliaments, because those circumstances had ceased? Under all the circumstances, he felt himself bound to

resist the present motion ; and he implored the advocates of the just rights and privileges of the constitution, to consider whether it were decent or wise in the House of Commons to originate this measure ? All that could be lost by the rejection of the present proposal was, the postponement of the general question until the early part of next session, when it would be taken up upon a broad and high ground. They could then contend for the eligibility, not merely of peers to sit in the House of Lords, but of every person to all situations in the country. If peers were to be admitted, there was no justice in the exclusion of commoners. He could, therefore, see no good reason for pressing the present partial measure, as a delay of a few months would bring the question before them in its most ample and general form. There would be no disadvantages resulting from the rejection of this measure, and the House could not, in his opinion, sanction it consistently with their duty.

The motion for the second reading was agreed to, on a division, by 235 against 223 ; majority, 12.

## AGRICULTURAL DISTRESS.—THE CURRENCY.

MAY 13, 1822.

In a debate upon the motion for bringing up the report of the Committee of the whole House on Agricultural Distress,—

MR. SECRETARY PEEL expressed his surprise that the hon. member for Callington (Mr. Attwood) should have entered on the present evening into a discussion on the state of the currency, when he knew that the hon. member for Essex had given notice of a motion which would bring that subject fairly before the consideration of the House. As the hon. member had made several pointed allusions to him (Mr. Peel), he could not allow the present opportunity to pass without making some observations upon them. And here he must be permitted to express his surprise at the applause with which a part of the hon. member's speech had been received by gentlemen on the other side. When he heard the bill which he had had the honour of introducing in 1819, called an iniquitous measure, and found that appellation of it cheered by many gentlemen who had at that time supported it—when he recollected that the concluding resolution of Mr. Horner in 1811 contained the principle on which that individual stated that the currency ought to be conducted, and that that principle was, that within two years the Bank should return to cash payments—when he remembered that strong fact, and contrasted it with the cheers which had burst from hon. members when the act of 1819 was stigmatized as an iniquitous bill, he could not sufficiently express the surprise which he felt, or prevail upon himself to submit to such an epithet in silence. He would here take the liberty of asking, whether the principle on which that bill was founded did not receive the support of the other side in 1816 ? The House must recollect well that it did receive the approbation of hon. gentlemen opposite ; and that circumstance made their cheers of this evening more extraordinary than they otherwise would have been. If there were any man whose conduct he was more surprised at than another, it was the hon. member for Coventry. That hon. member had moved resolutions to amend those which he had proposed to the House. His (Mr. P.'s) resolution was a resolution to compel the Bank to pay in specie in May, 1823. The resolution proposed by the hon. member for Coventry was a resolution that the Bank should pay in cash in May, 1822. The hon. member might perhaps say, that he had also moved some previous resolutions. He admitted that this was true. The hon. member had certainly made some proposition relative to the re-payment of certain issues to the Bank. But the hon. member said, that on leaving the House upon that occasion, he had whispered into the ear of the hon. member for Salisbury, that no return was to be made to cash payments, whilst the price of gold was £5 10s. What the hon. member whispered into the ear of the hon. member for Salisbury, he could not tell : he knew, however, what was the resolution the hon. member had recorded, and against his alleged whisper he would place in opposition his recorded resolution.—He would now return to the hon. member for Callington, who had endeavoured to overwhelm him with his sarcasm. But as he was to share that sarcasm with his hon. friend,

the member for Portarlington (if he might be permitted, on account of the respect which he felt for that hon. gentleman's great talents and high character, to use a term which he certainly had no right to use from long intimacy with him,) he would only observe, that he was willing to share it, so long as he shared it in such company. The hon. member for Callington had repeated certain observations of his upon the fulness of the Exchequer, and had made his own comments upon them. This made it necessary for him to repeat what he actually had said. He had said that if the currency had indeed been raised 40 per cent., it was most extraordinary, and at the same time most consolatory, to discover that the taxes had increased in amount, and that there was one of two alternatives proved by it—either that the resources of the country were most flourishing, or that the depreciation had not been so great as was generally stated. But, if he had spoken of seeing with satisfaction the result which he had mentioned, was it to be understood that he saw with satisfaction so much money raised from the people? No such thing. What he meant to say was, that he had had great satisfaction in seeing that sum raised without any recourse being had to processes of law to extract it from those who were unwilling to pay it. His reason for making the observation was, to use it in refutation of a witness who had been examined before the agricultural committee, and who had stated, that the consumption of all the necessaries of life had, for some time past, been greatly decreasing. The following was the evidence of that witness:—“You have stated that in the necessaries of life you conceive the consumption to have diminished one-third in Birmingham; do you think that that diminution of consumption is at all general?” “A general diminution of the necessaries of life, I believe, exists throughout the whole kingdom, except in the markets of London.”—“Do you consider salt as a necessary of life?” “Certainly.”—“Soap?” “Certainly.”—“Malt?” “Yes.”—“Candles?” “Yes.”—“Sugar?” “I do not; but the poor people do.”—“Tea?” “Yes.” The name of this witness was Thomas Attwood, Esq. [Hear.] And, if he had spoken with satisfaction of the increase of the revenue, it was because he had wanted to show that no decrease had taken place in the consumption of the necessaries of life. The hon. member for Callington had then stated, that if he (Mr. P.) would examine the records of his office, he would find that the prevailing distress had given birth to disturbances in various parts of the manufacturing districts. Now, if the hon. member were speaking of the present, he must beg leave to say, that he found no disturbances at present existing among them. The hon. member might, perhaps, allude to the riots in Staffordshire and Monmouthshire—the only counties in which the laws had been violated.

Mr. Attwood said, he alluded to Staffordshire.

Mr. Peel contended, that the disturbances in that county did not arise out of any distress. As a proof of it, he would state one fact:—The master manufacturers had offered their labourers 3s. a day, besides two pints of beer each, and fuel for their family.

Mr. Attwood stated, there was not employment for those labourers. The wages were probably as stated; but the men had not employment for more than four days in the week.

Mr. Peel said, he would leave it to his hon. friend, the member for Staffordshire, who, at his request, had left his parliamentary duties to visit, in his magisterial capacity, the county which he represented, to speak more fully upon that particular point. He would now refer, not to the present, but to a past period, to illustrate his argument. The period to which he should allude, was a period under which that beautiful order of things, a paper standard, flourished most largely. Why, the very words “paper standard” was a contradiction in terms. Yet, under that beautiful order of things, what was the state of the manufacturing population? In 1816 and 1817 we had all the blessings of the paper standard; but in those years we had the Habeas Corpus Act suspended, and several other precautions taken for the preservation of the public tranquillity. Disaffection to the government and the constitution was not at that time attributed to the bulk of the people, but, as was stated in a report from a committee of that House, to causes existing among the lower classes, one of which was, privation in consequence of the lowness of wages, and the increased price of the necessaries of life. “But,” said the hon. member for Callington, “there had at that time been a great revulsion of prices.” To be

sure there had: that was one of the evils arising from the paper standard. "Oh, yes!" said the hon. member for Callington, "but you ought to recollect that a paper currency gives you wealth and capital." Of course it did; but only till a day of payment came. In 1816 what was it but an over-issue of paper which led to great speculation; and a re-action of it created much bankruptcy and distress, that reduced the country to its pitiable situation? That system might go on well if it were always to continue. But, though a man might be happy when he got drunk, or when he imbibed oxygen gas, still he must expect to endure some misery before he returned to a state of sobriety, or before he should be again able to inhale the atmospheric air. To go on well under a paper system, it must always continue—just as a drunken man, to be always happy, ought to be always drunk. The right hon. secretary then proceeded to state, that he must again refer to the evidence of the witness whom he had quoted. That witness was asked, "Has there been no circumstance in the last two years but supply and demand to determine the price of any of the necessities of life?" To which he replied, "Certainly, nothing can determine the price of articles but the relative state of supply and demand." That was an admission which the hon. member seemed to have forgotten that evening. [Here some gentleman interrupted Mr. Peel, for the purpose of informing him, that the member for Callington was Mr. Matthias Attwood, and not Mr. Thomas Attwood.] He had thought that it was the opinion of the hon. member for Callington, that he had been quoting: sure he was, that he had seen the same or similar doctrines from the hon. member in print; and he had referred to them to show what he conceived to be a great inconsistency in the argument of the hon. gentleman that evening. With regard to what had fallen from the hon. member for Callington, as to making corn the standard of value, from the year 1700 to 1783, there had been little or no change in the price of gold, whilst, on the contrary, there had been the greatest fluctuations in the price of corn. In 1815, when wheat was 64s. per quarter, gold was £5 6s. per ounce, and accordingly paper was much depreciated. In 1817, when wheat was 94s. per quarter, gold was of much lower value. Indeed, of all articles, corn was that which it was most unfit to fix as a standard, since it was liable to great fluctuations, in consequence of the smallest increase or decrease of the natural quantity in market.

The motion for bringing up the report was agreed to on a division, by 153 against 22; majority, 131.

## THE ROMAN CATHOLIC PEERS BILL.

MAY 17, 1822.

The Roman Catholic Peers Bill was read a third time. On the question that it do pass,—

MR. SECRETARY PEEL said, that as the bill had undergone a full discussion, and as the sense of the House had been fairly taken on the subject of it, he would not persist in what he had no doubt must be an unavailing opposition. He trusted, however, that his not pressing the House to another division, would not be construed into any want of decision, or any diffidence of the opinions he had delivered on this important bill.

The bill was passed.

## THE CRIMINAL LAWS.

JUNE 4, 1822.

After some introductory remarks, Sir J. Mackintosh moved the following Resolution:—"That this House will, at an early period of the next session, take into their most serious consideration the means of increasing the efficacy of the Criminal Laws, by abating their undue rigour; together with measures for strengthening the

Police, and for rendering the punishment of Transportation and Imprisonment more effectual for the purposes of example and reformation."

In the debate which ensued,—

MR. SECRETARY PERL said, that he concurred in what had been stated with respect to the committee for the reformation of prison discipline. Their exertions were above all praise, being dictated by the soundest policy, and likely to lead to the most beneficial results. It was his intention, on Friday next, to submit to the House a bill which went to provide for the regulation of prison discipline. Was it possible, then, for him to support a measure which was to pledge the House to take into its consideration a subject which had been already delayed too long? The question of transportation was one which presented many difficulties. As it would, however, be materially affected by the forthcoming bill for the improvement of prison discipline, he should refrain from saying any thing about it at present. He also concurred in the propriety of adopting a vigorous system of police. God forbid that he should mean to countenance a system of espionage; but a vigorous preventive police, consistent with the free principles of our free constitution, was an object which he did not despair of seeing accomplished. He was equally unwilling to postpone that subject till the next session. It was his intention to introduce a plan for making the experiment upon a small scale. Something should be done with respect to transportation, but he would wait for the report of the gentleman who had been sent out to New South Wales. He would here mention one scheme which had suggested itself to his mind, and which might lay the foundation of a new mode of punishment, free from many of the objections to the present system of transportation, and combining with it hard labour. The experiment in question would be of this kind; namely, to send to Bermuda a certain number of convicts to be employed on the public works now carrying on there, taking securities that at the same time that such employment should be provided, their moral discipline should be properly attended to. This was a mode of punishment, which, inasmuch as it combined removal with hard labour, might be assimilated to that of the hulks at home. As to the general principle and wording of the motion, he concurred in the objections which had been taken by his hon. friend. When, in the course of the next session, the hon. and learned gentleman should feel disposed to take up the subject in detail, he should not find in him a predetermined opponent.

On a division, the motion (omitting its reference to the police, to transportation, and to imprisonment) was agreed to by 117 against 101; majority, 16.

## ALIENS REGULATION BILL.

JUNE 5, 1822.

MR. SECRETARY PERL rose for the purpose of moving, that the powers of the Alien Act should be intrusted to the executive government for a period of two years longer. Even those who differed from him in opinion, would admit that he opened the question fairly, if he touched, first, upon the nature of the danger to which he proposed to apply a remedy; next, the character and extent of the remedy itself; and lastly, the various objections which, upon general principles of policy or apprehensions from abuse of power, might be started against the remedy. To begin, then, with the nature of the evil against which they had to provide. He recollected that he was proposing the continuance of an Alien bill at a time when the country had been seven years at peace, and after a declaration from the sovereign, that he continued to receive assurances of the favourable disposition of foreign powers. But every man who looked back to the events of the late war, the circumstances of the contest, and to the principles which had produced it—every one who dwelt upon the consequences by which that war had been attended—must admit that it was not the mere signature of a treaty of peace, nor even the duration of a peace for seven years, that could extinguish the principles which had led to the tumult, or conciliate the various interests which had taken part in it. He denied that to provide a corrective for such an evil, was any imputation on the character of those relations of amity in which this country was bound with the other states of Europe. It was also to be recollected that, within



the last two years, revolutions had taken place in some countries, and attempts at revolution had been made in others, through the agency of secret societies, and the instrumentality of the military force. Conspiracies had been formed, even where no act of resistance had taken place, which had been put down by the strength of government. He did not advert to these events with a view of pronouncing any opinion as to their character; his object was, to impress upon the House that such a state of things could not exist without reviving those very principles which characterized the late war, and without producing that very re-action that, if successful, would unsettle the pacific relations of Europe. The effect of these events, however, was the expatriation of many of the most active agents in these revolutions and conspiracies. They fled from their respective countries, and though the government of this country was armed with an Alien Act, and though many of these persons sought a refuge here, in no single case was the asylum of our shores denied to them. No matter what was the part they had taken—no matter the tone or tendency of their principles—no matter what their crimes against their own governments—on the part of this country there existed the disposition to grant an oblivion of the past. Even in cases where informalities arose which might have produced some embarrassments, he could appeal to hon. members in his eye, whether the uniform inclination of the government had not been, not to avail itself of any advantage? That character for hospitality of which this country was so justly proud had never been forfeited. When the law was executed against one individual (General Gourgaud,) it was, because it was well known that he was endeavouring to make this country the theatre of his cabals. There had not been a conspiracy nor a revolutionary attempt for the last two years, but had thrown some persons into this country. Instead of the Alien Bill operating as a terror to foreigners, the number of aliens had increased since its enactment. In 1818, there had been 22,000 aliens in the country: in the present year the number exceeded 25,000. In 1819, the increase of arrivals above departures had been 266; in the five expired months of the present year alone, the increase had been no less than 655. It was impossible to avoid inferring from these facts that the Alien bill had not prevented the resort of foreigners to this country. He hoped he should not now be met with the argument, that the increased number of aliens formed an increased reason for withholding the powers of the bill. If power over an increased number of persons were to be called an increased power, then, had the number of aliens diminished instead of increased, he might have made an argument upon that diminution of power in favour of his measure; but it would be most unfair to convert a proof of the lenity with which the Act had been used into a plea for not continuing to intrust government with its powers. Under this bill, then, we secured to the foreigner who sought an asylum in this country an oblivion of the past. We had a right to say to aliens, "You shall not abuse the hospitality of these realms, you shall not desecrate the sanctuary you have chosen, by making it the scene of conspiracies and cabals." For it would be in the highest degree unjust, to suffer this country to become the resort of all those who should be disposed to enter into plots against the peace of states with which we were in amity. If the present Alien Act were permitted to expire, such, he averred on the responsibility of a minister, would be the case. It was with a view to a particular evil that he recommended the measure in question. He could assure the House that in bringing it forward he was biassed by no partiality or prejudice, and that he founded it not on any vague surmise. Still less was he influenced by any suggestions from foreign courts. No; it was as secretary for the home department, and by virtue of that office alone, that he should now submit to parliament the expediency of renewing those powers under which the admission of foreigners to this country had been regulated since the peace. With regard to the nature and extent of its remedial influence, he was utterly at a loss to discover what there was about it to challenge so determined an opposition as there was reason to apprehend. One of the provisions of the bill required from every foreigner landing in this country a statement of his rank and situation in life, and in default of such communication, imposed a penalty on the master in whose vessel he arrived. The more material, however, indisputably, was that conferring on the Crown a power to direct by proclamation, or order in council, any foreigner to quit the kingdom. In case of disobedience, he was at first subjected to a small penalty, still retaining a right of appealing to the council, after which he might, if

he gave no satisfactory explanation, be at once removed. An hon. and learned gentleman (Sir J. Mackintosh) had the night before attempted to create an unfavourable impression against this proceeding, by a reference to Magna Charta. Just so it had been usual to allude to the policy of Queen Elizabeth, and of states placed in circumstances altogether different. Now, any individual who listened to the learned gentleman, and did not happen to be familiar with Magna Charta, must conceive that the admission of foreigners to our shores was established in it as a ruling principle, according to which the right could neither be limited nor withheld. On examining it, however, there appeared no such variance between its authority and measures of a more recent date. He found in it, indeed, but one enactment that at all respected strangers; and this, by the exception accompanying it, proved to be far from a general or permanent regulation: "*Omnes mercatores habeant saluum et securum conductum, exire et venire, ad emendum vel vendendum,*" &c. But it was also provided, that in the event of war, the merchants of the country with which we had commenced hostilities, should in the first instance be attached, and kept in custody till it was seen in what manner our own merchants were treated by their government. It was also worthy of remark, that the enactment to which he had alluded, contained the phrase "*nisi antea publice prohibiti,*" or unless the king in council prohibited them. As to the conduct of Queen Elizabeth, and the policy subsequently adopted by this country on the revocation of the edict of Nantes, the periods of those events bore no resemblance to the present. When Elizabeth, in another part of her reign, was surrounded by different circumstances, she, probably recollecting the expression "*nisi antea prohibiti,*" pursued a course wholly unlike what had been so loudly commended. In the council-register of her reign might be seen copies of directions issued to bishops, to the master of the rolls, and to two aldermen of London, that all foreigners not belonging to any church or congregation, should be ordered presently to avoid the kingdom. But in order to fortify his argument, he might here allude to a bill lately presented by a learned member (Mr. Scarlett,) a gentleman of high reputation in the courts, and who might be considered as the model of a Whig lawyer. He meant the allusion merely by way of precedent, not as a reflection in any point of view, though he hoped it might serve as an instance that gentlemen on the other side, whatever were their political opinions, did not, when they sat down seriously to remedy a grievance, think of referring to all the ordinances or principles of Magna Charta. The learned gentleman had recently introduced a bill for the more effectual removal of the poor, and this bill enacted that a single justice before whom a pauper should be convicted of leading a disorderly life, might have the power of committing him to the house of correction, there to be kept to hard labour for a time not yet specified. Now, he was far from censuring this provision; but how did it accord with the well-known declaration of Magna Charta—"Nullus liber homo capiatur vel imprisonetur nisi per iudicium parium suorum?" It could not be denied that all power was liable to some abuse; but the experience of seven years went to show, that the proposed measure was as little likely as any to produce it. Returns had been laid before the House, showing that the powers with which it invested government had been exercised but in four instances, since the year 1815. Doubtless this was not a complete justification; but it at least afforded a presumption, that the continuance of those powers would not lead to any practical inconvenience. If it were said, that there was no guarding against the abuses of subordinate agents, he would undertake to assure the House, that subordinate agents should never exercise these powers. He did not consider that foreigners were in any real danger of suffering injustice by the effect of malignant insinuations on the mind of a secretary of state, nor had the conduct of the British government hitherto been such as to afford an example to the detriment of our countrymen resident in foreign states. He pledged himself, on his responsibility, to a just exercise of the powers in question. He believed it to be a measure of lenity and moderation. He certainly did not undervalue the opposition it might encounter, but he had rather submit to any inconvenience or unpopularity, than carry about with him during the recess, the heart-sickening consciousness that from the dread of these, he had been deterred from bringing forward a measure which he believed essential to our security. He concluded by moving, "That leave be given to bring in a Bill to continue the Act for esta-

blishing Regulations respecting Aliens arriving in, or resident in this kingdom in certain cases."

At the close of the debate, Mr. Secretary Peel, in reply, said, that a learned gentleman (Mr. Denman) had declared, that he (Mr. Peel) was indebted to the other side of the House for the candour and forbearance he had experienced at their hands. Of any want of candour and forbearance on the part of those hon. gentlemen, he never complained. But, what did the terms amount to, as they were explained by the learned gentleman? Why, to this—that he was indebted to their candour and forbearance for not having attacked him for his junction with his Majesty's government. He must tell that learned gentleman, that there was nothing he deprecated so much as his charity; that he defied his scrutiny; that he was not afraid of his accusation. If that learned gentleman thought that he was awaiting his accusation, "with bated breath and whispering humbleness," he was very much deceived. He challenged him to bring forward the accusation which he insinuated he had in his pocket, but would not promulge. His motives in accepting office were as pure as those which had actuated the learned gentleman in doing so. He had been connected with the present government ever since his first appearance in public life. He was secretary to the Lord-lieutenant of Ireland—a post which he quitted earlier than he could have wished. As to his subsequent connexion with government, it arose not out of his own solicitation. Excepting on one great question, upon which he had the misfortune to differ with ministers, he had never acted against them.

On a division, the motion was carried by 189 against 92; majority, 97. The bill was then brought in, and read a first time.

### CONSTABLES IN IRELAND.

JUNE 7, 1822.

In the debate on the motion for the second reading of the Irish Constables Bill,—

MR. SECRETARY PEEL admitted, that it was a defect in the police of Ireland, that there was not that link of connexion between its magistracy and the government which existed in England, by means of the Lords-lieutenant of counties. This was an evil to which he should wish to see a remedy applied. With respect to the magistracy of Ireland generally, he had always found it defective; and reform it as parliament might, it would still continue defective, owing to the great number of absentee proprietors. However active and honest their agents might be, they could never adequately supply the places of the great landed proprietors. At the same time he should not wish to see the deficiency remedied by a general extension of stipendiary magistrates; for he thought that the appointment of stipendiary magistrates in every county, would degenerate into abuse. Still, however, he held it necessary that government should have the power of appointing such magistrates in certain cases; for it would be destructive of all law to allow 20 or 30 miles' extent of country to be without a magistrate, or, what was the same thing, with magistrates who did not act. He would suggest, that the stipendiary magistrate should be appointed only where there was no resident magistrate, or where he did not do his duty; and that then it should be on the recommendation of the other magistrates of the county. Under any other circumstances, he thought that the extension of salaried magistrates would be an evil.—As to the general state of the police in Ireland, it was admitted on all hands, that the system was so bad that something should be done. Let the House look to the present state of Ireland in that respect. She had now, not to guard against any external danger, but to protect the administration of the law, to support a regular army of 21,000 men, besides 4,000 yeomanry corps on permanent duty; and notwithstanding this force, they had this extraordinary fact, that in one year there had been 26 murders committed, and only one of the perpetrators had been brought to justice. As to the expense, it should not be left out of sight, that, by the establishment of an effective police, the military expense would be likely to be very considerably reduced. It was agreed on all hands that something should be done. Now, the question was, in whose hands should the appointment of the sti-

pendiary magistrates and constables be placed? It was suggested on one side, that they should be assimilated to the same class in this country. He for one should not object to that, provided it could be effectually done; but he apprehended that it would be very difficult in the commencement. In England the constables were not paid; but it could not be expected that, at present, parties would be induced to undertake, without salary, an arduous and unpleasant office, such as that of constable must be; and the less so, as hitherto the constables appointed by the grand jury were paid and armed as those who were appointed by government. There were thus two experiments tried. Constables were appointed by government, and others were appointed by grand juries. But there was a vast difference in their effective force in favour of those whom government had appointed. He contended, that as the power of appointment by the government had not been abused, it was a fair inference, that it was not likely to be abused in future. He implored the House not to reject the measure in its present stage, but to allow it to go into the committee. It was a plan for ameliorating the condition of Ireland, with respect to its police, which all parties agreed required a remedy. Let it go to a committee, and there they might discuss it; for it was not a party question. It was one which arose from a desire to improve the condition of the country; for before they could with safety reduce the troops, before they could give up the operation of such extraordinary measures as the Peace Preservation Bill, or the Insurrection Bill, they must have an improved police, and habituate the people of Ireland to that which was the greatest of all national blessings—an equal, unvarying, and impartial administration of justice.

## RESUMPTION OF CASH PAYMENTS.

JUNE 11, 1822.

Mr. Western, considering the resumption of Cash Payments by the Bank of England to have been a great cause of the Agricultural Distress which prevailed, moved the following Resolution, with a view to secure a fair and reciprocal remuneration for the general industry of the country:—"That a Committee be appointed to consider of the effects produced by the Act of 59 George III., c. 49, intituled, 'An Act to continue the restrictions contained in several Acts on Payments in Cash by the Bank of England, until the 1st of May, 1823, and to provide for the gradual resumption of such Cash Payments, and to permit the exportation of Gold and Silver upon the Agriculture, Manufactures, and Commerce, of the United Empire, and upon the general condition of the different classes of society.'"

Mr. Huskisson moved, by way of amendment, to substitute for the hon. member's Resolution, the Resolution:—"That this House will not alter the standard of gold or silver, in fineness, weight, or denomination."

JUNE 12, 1822.

The debate on the resumption of Cash Payments having been adjourned from the preceding day, it was resumed by Mr. Bennet; and, in the course of the evening,—

MR. SECRETARY PEEL said, that, as he wished the discussion to be as much limited as was consistent with the importance of it, in claiming the attention of the House, he promised to confine the observations which he had to offer within the narrowest bounds. To prove that such was his intention, he would at once come to the question before them, without entering into those abstruse topics in which the hon. member who had just sat down had indulged, and which were hardly fit to be debated in an assembly like the present. For unless a case of over-ruling necessity could be made out, that House ought not for a moment to entertain an idea of again interfering with the standard of the country. It was difficult to conceive a motion to which more objections could present themselves than the one which was now before them. The period of the session at which it was brought forward—the arguments by which it had been supported—the object contemplated—all presented separate sources of objections to it. It was on the 12th of June that they were called upon to commence an inquiry into the effect of a bill, the operation of which affected the agri-

culture, the manufactures, and the commerce of the empire, and consequently all classes in the state. He would ask the House if it were possible for them to enter upon a more important or more extended inquiry; and what proposition was pointed to as that at which they must ultimately arrive? This was not distinctly made out; and until he came to the speech of the hon. baronet, the member for Westminster, he was at a loss to determine what it was that the committee was to do. The hon. alderman, the member for Sudbury, in supporting the motion, had declared that he could not concur in the arguments which had been used in its support. He was followed by another hon. member, who also agreeing with the motion, disapproved of five-sixths of the arguments which had been advanced in its behalf; and to him succeeded the hon. member for Portarlington, who, proposing to vote for it, considered the act of 1819 as the great safeguard of the country, which must not on any account be disturbed. Then came the hon. baronet, the member for Westminster, who told them, "say what you will, the object of this motion is the total repeal of the Act of 1819." The object of this motion was fairly stated by the hon. baronet, and he thanked him for his candour, to be the total repeal of that bill, and to establish a new standard which should lower the value of the pound sterling to fourteen shillings. He called upon the House to pause before they agreed to a motion for an inquiry, the object of which was thus avowed to be, to reduce the standard of value in this country by one-third. He begged to ask what would be the state of the agricultural and mercantile interests, and, indeed, of every interest in the country, during the interval which must elapse between the commencement of such an inquiry, and the period at which they might hope to arrive at a termination of their labours? Good God! and could the hon. member who spoke last think, that by supporting such a proposition, he was doing that which was likely to calm the public mind, to establish a just standard of value, and secure general prosperity? Could the hon. member for Callington anticipate such results from a proposition, which went to reduce our standard of value from twenty to fourteen shillings? He called on the House to look at what would be the immediate consequences of such a measure. Let them vote that which was proposed to them that night, and to-morrow every man of common sense would be trying to possess himself of every guinea in the country, that, when the committee had closed their labours, he might be ready to profit by the new state of things. What fluctuations, what derangement, what confusion, would not such a measure cause? And, at what period was such a motion brought forward? Was it within a month after that decision had been come to which was now thought so injurious? No. It was after the House had stood pledged for seven or eight years to favour the earliest return to cash payments, and after all the concerns of the country had been, for so long a period, accommodating themselves to the change. In 1814, the House came to a resolution, that it would be desirable that the Bank of England should return to cash payments. In 1816, when his right hon. friend brought in a bill on the subject, the late Mr. Horner would not consent to it, until an express pledge was introduced, that the legislature would see that cash payments should be shortly resumed, and his proposition was accordingly adopted; but the restriction was continued, in order to enable the Bank to resume cash payments with greater convenience. So that ever since 1814, the country had been accommodating itself to this new state of things; and, after having accomplished that object, the House were now told by the hon. baronet, that the intent of the motion of the hon. gentleman was, to reduce the standard of value from 20s. to 14s. How was it possible to examine and re-adjust contracts upon that principle? With respect to the public creditor, how was it possible to re-adjust the contract? Supposing one of those creditors could be found who had advanced but £70, and now received £100, he might say, "I advanced the money in 1797, 1798, or 1800, when the currency was not so much depreciated as it was afterwards, but the restoration of the ancient standard was then pledged to me." How would they deal with him? How would they deal with individuals who had bought annuities within the last eight years? Each of them had advanced no money to the state; but because he had bought his annuity, suppose at 95, were they now to reduce his dividend? If such measures should be entertained in the House of Commons—if the Commons of England could so far degrade themselves as to sanction such a proceeding—there was an end of that public faith which hitherto, in all circumstances

of difficulty, had been the pride of the country, and its best support. But, admitting its fitness, how was it possible for such a principle to be acted upon? Numerous contracts had been closed during the last eight years; but the closing of a contract, if such a course were taken, would be no bar to its being examined, with a view to a new arrangement, as it would be obviously unjust to deny a punctual man who had fulfilled his engagements, a participation in those advantages which would be open to him who, from not being punctual, had failed to close his contract.

Yet, strong as those objections were, he could conceive a case of such distress as would compel the legislature to adopt a proposition like the present: and, could he believe, with the hon. member who spoke last, that the country was on the verge of ruin through the restoration to a metallic standard; or could he believe, with the hon. member for Essex, that the effect of a change of the currency was most felt among the industrious classes, where it had produced poverty, ruin, beggary, and sloth—if he believed, that the change of the currency had already caused such disasters, and was about to cause still greater disasters, then he would, though reluctantly, acquiesce in the present motion. But he would now state the reasons why he denied the allegations of those hon. members. Admitting, as he did with pain, that great distress was felt, especially by the agriculturists, he was ready to show that the predictions of ruin were not justifiable, and to assert, that not the measure of 1819, but the restoration of the currency, which had begun much earlier, had not been attended with the injurious effects so confidently ascribed to it. The first subject to which the hon. member for Essex had referred was the poor-rates. He began with this topic, because he meant to advert to several indications of distress alleged to have been produced by the change of the currency, and to show that the use made of them was incorrect and fallacious. "Look to the poor-rates," said the hon. member for Essex; "they were never greater during the war than now." Now, he would deny the fairness of the comparison between a period of peace and a period of war in such a case. But if there were a general reduction of the poor-rates in one year, as compared with another year of peace, though he would not say that it was decisive, yet he would contend that it was one of many circumstances to be taken into consideration in this question. He would, therefore, refer to two years of peace; not to 1817 or 1818, but he would take the years ending the 25th of March, 1820 and 1821. If 1821 were compared with 1814, and the difference imputed to the change of currency, without reference to the change from war to peace, it would evidently be erroneous; but taking the two succeeding years in time of peace, it would be found that of 52 counties in England, only two had increased their rates—they were Huntingdon and Northumberland. In every other county the rates were less in 1821 than they had been in 1820. In every county in Wales great reductions had taken place. He would run over six of them. In the first the reductions effected amounted to 10 per cent.; in the second, to 16; in the third, to 9; in the fourth, to 10; in the fifth, to 10; and in the sixth, to 10 per cent. In each county there had been some reduction; in six counties a reduction of 10 per cent. If, then, any inference were to be drawn from the poor-rates, it was not the inference for which the hon. gentleman contended—namely, that the country was in a state of decay. The hon. member had then called on the House to judge of this bill from the state of crime, and had referred them to a comparison of three years before 1816, with three years after 1816. It so happened, however, that though the two periods referred to were before and after the House had declared in favour of restoring the currency, they were marked by one circumstance which had escaped the hon. gentleman's notice—namely, that the former three years were years of war, and the latter three years were years of peace. Now, in all former instances it was found that there was an excess of crime in peace over what occurred in war. Looking at the capital convictions which had taken place at Newgate, from 1749 to 1755, inclusive, the convictions amounted to 428. From 1756 to 1762, which were years of war, the convictions were about 175. In the years 1760, 1761, and 1762, which were years of war, the number of capital convictions was 61. In the three following years, being years of peace, the total number more than doubled the number of convictions which had taken place during the same period in war, as they amounted to 124. In the four years which followed the termination of the American war, the convictions were 544. The convictions in the first four years of the next war were but 271.

These facts proved that those circumstances which the hon. gentleman had connected, though co-existent, did not stand to each other in the relation of cause and effect. But he would now proceed to take a more important view of this subject, by comparing the state of crime in several succeeding years of peace. He found that in doing this, the number sent to 27 county jails, charged with capital offences, in the years 1820, 1821, and 1822, at the Lent assizes, gave no increase in the latter years. Among the counties taken into this calculation, Chester, Cornwall, Lancashire, Worcestershire, Staffordshire, and Essex, were included, and out of the 27 there was an increase of crime in but four. These were Buckinghamshire, Devonshire, Northumberland, and Essex. In those there was an increase—in all the rest the numbers were fewer, giving in the whole in the year 1822, as compared with 1821, a reduction of 414. From this he could not draw the inference that the morals of the country had suffered from the bill of 1819.

The right hon. gentleman next adverted to the flourishing state of the revenue. He did not refer to the increase in the different branches of the revenue with the natural exultation of a minister of the Crown, but he drew a fair inference from it of the corresponding increase of consumption. There had been 60 Excise collections between the year ending October, 1820, and the year ending October, 1821. In five of these collections there had been a diminution, and in four instances the diminution had arisen from a failure in the growth of hops; in the other 55 collections there had been a considerable increase. With regard to the number of Excise prosecutions to which the hon. member for Essex had alluded, it appeared from the official returns, that in 1817 there had been 461 prosecutions; in 1818, 378; in 1819, 220; in 1820, 229; and in 1821, 186. There had been no increase of prosecutions on account of the assessed taxes, and in the last two years the diminution of law expenses had been very considerable. The next consideration suggested, was the state of the labouring classes. Upon this most difficult of all subjects, whatever information had been given to him, he received with much hesitation. The great value he attached to the change in the currency was particularly on account of the labouring classes. Ever since 1810, the effect of the depreciated currency was believed to have been particularly oppressive upon the labouring classes; and what had made him anxious to effect a permanent change in the currency was, the good effect which he believed it would have on the labouring and manufacturing classes. And here he would advert to a statement brought forward by the hon. member who spoke last against the change in the currency. The hon. member had read a letter, dated in July, 1819, from Manchester, to prove that the labouring classes were at that time in distress. But as the act now in question, had not passed till the 2nd of July in that year, the distresses of Manchester could not be imputed to it. He held in his hand returns of the condition of the manufacturing classes in Bolton, Rochdale, Manchester, Leeds, Glasgow, Huddersfield, and Nottingham, which he would state to the House. He would cite to the House the various accounts which he had received from the manufacturing towns; and hon. gentlemen would judge whether the situation of the labouring classes were such as had been described by the hon. member for Callington. At Bolton, the state of affairs was this:—An immense quantity of goods had lately been manufactured; the working population was well provided for; and the profits of the master manufacturers were low. At Rochdale, the spinners were said to have plenty of employment; and the working weavers never doing better. At Manchester, the profits of the master manufacturers were said to be smaller upon the average than they had been in former years; but from the contraction of credit, and the improved quality of the currency, the risk of loss was also less; speculation and adventure were less common; consequently profit, though smaller than heretofore, was more secure; at present there was abundant employ for the working classes. At Leeds more cloth was making than had been known for many years; but profits were comparatively low; the working classes were generally employed; their nominal earnings were less, but their comforts greater, than they had been formerly. From Glasgow the account was equally favourable. At Huddersfield the profits were low, but the whole population was employed; good workmen earned constantly from 16s. to 22s. per week. At Nottingham, all was doing well but the silk stocking trade. Now, such was the result of his inquiry into the state of the manufacturing classes, which he presented to the House exactly as he had received it. The statements ad-

mitted the rate of profit to be low, but it was high enough, evidently, to induce persons to enter into trade, or the workmen would not be fully provided with employment. The assertion of the hon. member for Callington, as to the condition of the labouring classes, he begged leave altogether to deny; and the House, he trusted, would see that that statement had been greatly exaggerated. The natural result of a return to a metallic currency must be a diminution in the profits of the masters, and an increase in those of the men. The reverse had been the effect of our continued paper system; the speculations, and in some instances the gains, of the masters had risen; but the workman's wages had been low, and his comforts inconsiderable. Upon the whole, both parties would be benefited by the change; for the labourer's condition was visibly amended; and the profits of the employer, if less sudden, were more certain.

But, while he was presenting this view to the House of increased prosperity among the manufacturing classes, he felt that it was impossible to doubt or to deny the pressure that existed upon other interests of the community. He admitted the distress of the agricultural interest; but before the House consented to resolutions like those now proposed, let it be sure that the distress had arisen out of the return to cash payments, and that a repeal of the Cash Payment Act would remedy the evil. That the resumption of cash payments had tended, in some degree, to increase that distress, he was not prepared to deny; but let them see whether the same state of things did not exist in countries where the same causes had not operated; and if such should be found to be the case, he hoped the House would see cause to doubt whether the particular measure complained of had occasioned the agricultural distress. In the first place, to revert to the reduction in the price of agricultural produce: let the House look to a country which, during the war, had never departed from a metallic currency, and then see whether a fall in prices had not taken place. Let them take Amsterdam, for instance, where, during the whole war, the currency had never been altered. If they compared the prices of 1817 and 1818 with those of the year 1822, a considerable reduction would appear in favour of the latter period. In 1817, Polish wheat had been at from 510 to 540 stivers per last. That was an extreme price; but the following years gave an average of 260 to 290 stivers per last; while the price in the year 1822 was only from 130 to 200. In oats, rape-seed, Prussian rye, and a number of other articles of agricultural produce, a similar rate of reduction would be found. Then how stood the fact in other quarters? Were there no complaints in the Low Countries of agricultural distress—of abundance as to produce, and diminution as to the means of consumption? He would read to the House a petition presented to the Chamber of Deputies at the Hague, and they would see that it contained statements which might absolutely pass it off for a petition of British agriculturists. The petition complained that for a long time past all agricultural produce, and property connected with the produce of the land, butter alone excepted, had been falling in price; and that at length it had become so low that it would not pay the expenses of cultivation. Again, to look at the account of Mr. Jacob, a gentleman of considerable eminence, who had travelled on the continent, and who had given the benefit of his experience in evidence to the House. Mr. Jacob found in Brunswick and Saxony that the land was generally mortgaged. The Dutch farmers were all complaining. In France his knowledge extended only from the frontiers of Germany to Paris; but upon that line of the country he had heard nothing but complaints. In those countries the distress had accrued without the aid of a return to cash payments. Was it reasonable, then, to attribute the distress of this country entirely to that measure? Still, however, he wished to be understood as not denying that the act in question might have had some share in the difficulties which had followed upon it. There were two ways in which such an alteration of the currency might have operated upon the country: first, to the extent of the actual difference between depreciated paper and the ancient standard of value; and next, to the extent of that additional value, which a variety of events might have given to money itself. The causes of variation in the value of money no man could determine; but if the House once established the fatal precedent of disturbing existing contracts to meet such variations in value, the idea of a fixed standard for the country was at an end for ever. Fluctuation in the value of money had always occurred, and must continue to occur; but far better would it be to take to the paper system



again, than to set the example of reviewing the contracts of the country, on account of an alteration in the value of its currency. The right hon. gentleman concluded by expressing his decided opposition to the motion, and his readiness to support the amendment, which was indeed a mere record of the fact, that it was not the intention of the House to depart from the present standard of our currency.

Several members spoke; and after a short reply from Mr. Western, the House, at three in the morning, divided: for Mr. Western's motion, 30; against it, 194. Mr. Huskisson's amendment was then put, and agreed to.

## PARLIAMENTARY REFORM.—NATIONAL DEBT.

JUNE 14, 1822.

In a desultory discussion, which arose out of the presentation, by Mr. Honynwood, of a petition from the county of Kent, complaining of agricultural distress, and praying for parliamentary reform,—

MR. SECRETARY PEEL expressed his opinion that the manly and becoming confession of the noble lord (Lord John Russell,) had done ten times more towards setting his party right with the people of England, than the defence which had been made for them by the hon. and learned member (Mr. Brougham.) But, when the noble lord expressed his astonishment how Mr. Cobbett could have influenced the meeting, he put a query which in fact he himself had answered. Mr. Cobbett had succeeded in influencing the meeting, simply because he had not been manfully resisted. What was the charge against the meeting in question? Was it blamed for having met to petition parliament for retrenchment? No; it was blamed for having proposed an unjust and iniquitous measure. The more decided the opposition of the Whig leaders to Mr. Cobbett's proposition, the greater had been their blame that they had not stood forward, and explained to the men of Kent the impropriety of the course they were following. If the being squeezed in a waggon were an excuse for one individual, it could not be an excuse for all. After all, he preferred the manly proposal for a downright reduction of the interest of the debt, to the mysterious insinuations of the learned member for Winchelsea; nor could he think that that learned member had much palliated the iniquity of the present suggestion, by attempting to show that parliament had sanctioned measures still more iniquitous.

Later in the evening, Mr. Peel, in explanation said, he never did deal in underhand insinuations. He had adverted to propositions made in that House, both by the learned gentleman, and by the hon. member for Shrewsbury, founded on a supposed necessity, when the public faith could not be preserved. Such anticipations were calculated to produce that necessity, which never should be contemplated in that House, any more than in private life it should be contemplated, that a case of highway robbery might be justifiable.

## DISTRESS IN IRELAND

JUNE 17, 1822.

In a conversation which arose on the distressed state of Ireland, from a scarcity of provisions, and from a want of remunerative employment for the people,—

MR. SECRETARY PEEL expressed his perfect agreement with a right hon. baronet (Sir J. Newport) that this was not a mere pecuniary question. The importance of the subject lifted it above the ordinary rules of financial calculation. The question was not, whether a sum of money should be advanced to Ireland. The Irish government were endeavouring to give relief in every possible way—not with strict regard to the principles of political economy, for unhappily the case was one that compelled them to set all ordinary rules at defiance. Engineers were engaged to see what works could be commenced, that would afford occupation to the people; and £6,000 had already been appropriated, not for any public undertaking, but in order to effect improvements of a local and private nature.

## TITHES, AND THE CHURCH ESTABLISHMENT IN IRELAND.

JUNE 19, 1822.

Mr. Daly having, at the request of Mr. Secretary Peel and several other members, consented to postpone, until next session, his promised motion on the subject of Tithes in Ireland, Mr. Hume immediately rose, and availed himself of the opportunity to bring the subject of Tithes, and the Church establishment of Ireland, before the House. Of his intention on these points, he had long given notice. At length, after a long and minutely detailed exposition, the hon. gentleman moved, "That this House will, early in the next session of parliament, take into consideration the state of the Established Church of Ireland, and the manner in which Tithes are there collected, with a view to make such alteration and improvement as shall, under all circumstances, be necessary."

Mr. Ellice having seconded the motion, Sir J. Newport, in the course of the debate which ensued, moved the following amendment:—"That with a view to the tranquillity and happiness of Ireland, this House will, in the early part of next session, take the subject of Tithes, as affecting that part of the United Kingdom, into its most serious consideration, with a view of substituting for the present precarious and vexatious mode of supporting the Established Church, a full and liberal equivalent, fairly assessed and levied."

MR. SECRETARY PEEL, who spoke later in the evening, said, he did not believe that the present motion was calculated to promote tranquillity in Ireland; for if parliament were to give such a pledge, and should afterwards be unable to redeem it, the worst consequences might result from the disappointment of the hopes which it would excite. He objected generally to the principle of giving pledges in one session as to the course which parliament would pursue in another. He had given much consideration to this subject, and he felt himself bound to state, lest his opinions should be misconceived, that a commutation of tithes was liable to, he would not say, insuperable, but to very great objections. He protested against the whole statement assumed in the speech of the hon. member for Montrose (Mr. Hume.) Scraps of newspapers, cases in courts of law, and petitions presented to that House, were not authority to which he was disposed to pay much respect. He entirely protested against the principles laid down by the hon. member.

On a division, Sir J. Newport's amendment was negatived by 72 against 65; majority, 7, and the House passed to the other orders of the day.

## THE INFLUENCE OF THE CROWN.—THE UNIVERSITY OF OXFORD.

JUNE 24, 1822.

Mr. Brougham, at the close of a long speech, moved, as a resolution, "That the Influence now possessed by the Crown is unnecessary for maintaining its constitutional prerogatives, destructive of the independence of parliament, and inconsistent with the well government of the realm."

The Marquis of Londonderry followed in opposition to the motion, and moved, "That the other orders of the day be now read."

Mr. Bennet and Mr. Stuart Wortley having spoken,—

MR. SECRETARY PEEL rose to rescue his constituents from an unjust imputation. The distinguished body which he represented (the university of Oxford) might, he said, refer for an answer to the imputation, to their general conduct. As to the particular facts mentioned by the hon. and learned gentleman, they did not bear out the specific charges. Those charges, he understood, were founded on the election of Lord Grenville, as chancellor, at a particular period; and, on their allowing a measure to pass in silence in 1817, which they had protested against in 1807. When they looked at the high character of Lord Grenville—to his attachment to our ecclesiastical establishment—to his general line of policy—to his opposition to the principles which had marked the early part of the French war—when they remembered

the station he had held in the university, as one of her most distinguished scholars, and as a member on the foundation of one of the most illustrious of her societies—and when they considered that his opponent was Lord Eldon, the Lord Chancellor—the learned body that chose him stood sufficiently vindicated, both as to the object and the motives of their choice. As to the measure which they opposed in 1807, it was not precisely the same as that which passed in 1817; but if it had been, the circumstances were changed. The conscientious feelings of his late Majesty had been against that measure; and many of those who now zealously advocated the claims of the Catholics, had, up to the death of the king, been on that account professedly adverse to them. The feeling of the country, though not changed as to the general question, had certainly been since that time changed as to the general question.

### THE PUBLIC PRESS IN SCOTLAND.

JUNE 25, 1822.

Mr. Abercromby moved, “That a Committee be appointed, for the purpose of inquiring into the conduct of the Lord Advocate, and the other law officers of the Crown in Scotland, with relation to the Public Press, and more especially to inquire into the prosecution carried on against W. Borthwick.”

[The speech of the hon. mover involved a variety of details, implicating the conduct of the Lord Advocate in a presumed connexion with certain newspapers and their proprietors, in Scotland, in which newspapers, certain libels upon private individuals were alleged to have appeared.]

The Lord Advocate having entered into a vindication of his conduct,—

MR. SECRETARY PEEL said, that upon all occasions like the present, when individual character and personal interests were involved, they had secured to the individual the indulgence of the House, as far as was consistent with strict justice. Upon such topics it was generally usual, and it was always wise to abstain from topics which appealed to men's passions, and led them from the exercise of their calm and sober judgment. Upon the present occasion the learned mover, not with the intention of doing so in all probability, had appealed to some topics highly calculated to create an undue prejudice against his learned friend. One was his allusion to the widow and children of the late Sir A. Boswell; and another to the death of Mr. Scott, an individual who unfortunately lost his life in a similar manner. He did, therefore, think that the learned gentleman would have better discharged his duty by abstaining from the mention of these circumstances. Then, again, he had brought forward the language of Mr. Hope and Mr. McNeill, used in a private conversation in a private place, and with a private client. He took this to be a very bad precedent to set; and if it had created any prejudice against his learned friend, he called upon the House to discharge it altogether from their minds. Let the House look at the case which it was called upon to decide. A notice had been given by the learned gentleman, that he should call the attention of parliament to the conduct of the Lord Advocate, as connected with his interference with the public press. It was three months since that notice had been given, and not the smallest intimation had, in the interim, been afforded, that the learned gentleman meant to call in question the conduct of any other persons. The House, then, was bound to discuss the case upon that notice; and they were asked to decide it upon the single speech of the learned gentleman, and the papers which he had read to the House. He would first allude to the conduct imputed to the Lord Advocate with respect to the paper called the Correspondent. The learned gentleman attempted to show, that, notwithstanding all which had passed with respect to the Beacon, the unfortunate dissension to which its conduct had given rise, and the still more unfortunate conflict which ensued, the Lord Advocate had persevered in introducing a fresh paper, conducted upon the same principles by which the Beacon had been distinguished. What answer had the Lord Advocate given to that charge? He had declared, upon his sacred honour, that he was ignorant of all transactions relative to the Correspondent. As to that charge, then, was the Lord Advocate's answer, or was it not,

complete? The next point was the charge connected with the paper called the *Sentinel*. If, after the affair of the *Beacon*, the Lord Advocate had contributed to a newspaper pursuing the same course, he might justly have been charged with misconduct for so doing. But again, upon this head, what was the learned lord's answer? He declared, upon his honour, that of that paper he knew nothing. If the House gave credit to the learned lord's assertion—and who was there in the House that would deny him credit?—the question was at an end. The learned gentleman, in touching upon the *Clydesdale Journal*, treated it as the same with the *Sentinel*, but existing under a different name. But the House would recollect that there had been a considerable interval between the failure of one of these papers, and the establishment of the other. (Cries of no, no.) At all events, the Lord Advocate denied any connexion with the *Sentinel*; and let the House look at the nature of his connexion with Borthwick in the *Clydesdale Journal*. Could it even be pretended that that connexion had been sought for by the Lord Advocate? On the contrary, Borthwick had made the first application; and the answer with which that application had been met showed the *animus* with which the learned lord had connected himself with the public press. The hon. and learned gentleman, referring to the libellous paragraphs which had been published, said that an individual, holding a judicial situation, had been a party to that system of calumny and attack. The learned gentleman alluded, in fact, to Mr. Aiton, who, at the time in question, was sheriff-substitute of Lanarkshire; and he remarked that, though a change had taken place in the office of sheriff-depute, Mr. Aiton still continued in his office. The charge, as touching the Lord Advocate, came shortly to this—that he had recommended the present sheriff-depute to his appointment, for the purpose of securing Mr. Aiton's continuance as sheriff-substitute. Now, certainly, there had been a change in the situation of sheriff-depute of Lanarkshire. The change had been introduced by himself (Mr. Peel), at the recommendation of the commissioners of inquiry in Scotland; and its effect was, to make the sheriff a resident in his county, increasing his salary from £500 to £800 a-year. The next step to this change in the nature of the office, was to find an individual competent to fill it; and he had purposely delayed the appointment more than two months, to give time for the application of candidates. At length, a noble friend of his, the first lord of the Admiralty, was about to visit Scotland, and he (Mr. Peel) gave him a list of the parties applying, desiring him to consult the law authorities in Scotland, as to who would be the fittest to hold the situation. The noble lord returned to him the name of the present sheriff-depute, and that gentleman was nominated. Such was the history of the sheriff-depute's appointment; and it was for the House to judge whether the Lord Advocate had abused his trust. For himself, he had never even heard Mr. Aiton's name until the present evening. As to the grand charge against his learned friend, that of his connexion with the *Beacon*, it was undoubtedly true that he had become security to the extent of £100 for that paper; that at the time he was Lord Advocate, and that the paper in question had made attacks on private character, which he did not stand there to defend or to palliate. If it could be made out that his learned friend had given encouragement to those attacks, he should have been the last man to advocate his cause; but, if he established to his own satisfaction that those attacks had been in no way contemplated by his learned friend, it was due to justice that he should endeavour to vindicate him. The charge was—his learned friend having lent his name and influence to the diffusion of private calumny and slander, and he met the charge, not by a defence of calumny, but by a denial of the fact. To explain the reason of the first connexion of the Lord Advocate with the *Beacon*, he referred to the state of the press in Scotland, and the discontent and insubordination to the law which then existed. In proof of this, he referred to the letter from the Earl of Glasgow, Lord Lieutenant of Renfrew, to the Secretary of State, in November, 1819, which had been printed and laid before the House. It described the progress of union societies, and the wide circulation of seditious publications. If his learned friend in his capacity, not of Lord Advocate, but of Secretary of State, desired to apply some antidote; if he followed the advice which had been so often given from the other side of the House, to meet discussion by discussion, to meet inflammatory publications by those inculcating obedience to the laws, was his conduct to be

wondered at? If he had taken the advice that had been offered; if, without justifying private slander, he had encouraged legitimate discussion, inculcated constitutional principles, and arrayed talents in support of the laws, would any one have thought him fit to be criminated by a vote? Was it the privilege of a free press, that talent should find no support, but when it was exerted against the constitution? What were the principles to which the obligation bound them? The bond recited, that a newspaper, called the Beacon, had just been "established on loyal and constitutional principles." What the paper was he never knew, for he had never seen a number of it; but he was anxious to see what the principles were in the prospectus. The terms which were there employed were certainly strong; but there was nothing to show that it was the intention to deal in private slander. He did not say that, when the paper had deviated into that violation of its principles, it would not have been prudent for his learned friend to have given it up. But if they made every man answerable for every paragraph which might appear in a paper to which he might have given his patronage, though it might be *extremum jus*, it would be attended in its application with the extremest injustice to the party. They had heard, on the other side of the House, some high compliments paid to the conductors of newspapers. If he (Mr. P.) had charged the eulogist with extravagance, because he could adduce paragraphs hurting the feelings of females—because a paragraph had crept in, which perhaps the conductor himself would wish to retract—he should have been thought to have shown little fairness. The bond referred to the principles on which the paper was to have been conducted, and the prospectus stated those principles. The prospectus stated the necessity of an energetic defence of the constitution, and asserted, that "the evils of a free press were only to be corrected by a judicious use of its energies." He wished the publishers of the prospectus had adhered to it. [Hear! from the Opposition.] He wished also that justice should be so far done to his learned friend, that he should be supposed, as he did, to feel the same wish. As for the attacks on private life in the correspondence which had been published, his learned friend not only disclaimed all authorship, but all knowledge of those attacks. The hon. mover had inferred the participation of the learned lord in these attacks—1st, because the paper was regularly sent him; and 2ndly, because of the similarity of documents in the paper to speeches of his learned friend. While the learned gentleman was speaking, he had asked his learned friend, whether he had ever written in the paper? His learned friend had answered, "I vow to God, never a word of it." As to the case of Borthwick, he should decline to enter into it, as he never knew that there was an intention of bringing it on. If they were satisfied as to the conduct of the Lord Advocate, as connected with the press, he asked in common justice that they would refrain from mixing up with it the consideration of any other case. If the powers of the Lord Advocate were excessive, let them have a distinct motion on the subject, but let them not now press it into the service, or eke out the proof that an officer ought to be censured by an argument to show that an office ought to be inquired into. It was not on the anomaly of the duty of the Lord Advocate, or the extent and asserted excessiveness of his powers, that this motion could rest; and as to the conduct of his subordinates, he (Mr. P.) would not say he would refuse an inquiry, but that he thought it required a distinct notice. Though the Lord Advocate was legally responsible for his deputies, yet, in point of fact, he was 400 miles distant from them. He doubted not, from the character of the parties, the circumstances alluded to would be satisfactorily explained; but there had been no time for explanation. They should recollect, too, that in a few days a claim was to be tried against the Lord Advocate for £10,000 damages, founded on his conduct in this very transaction; and he could not but think that to go into a committee, on the assumption that he was a proprietor in the Beacon, would not be consistent with the justice which the House was bound to administer.

On a division, Mr. Abercromby's motion was negatived by 120 against 95; majority, 25.

## IRISH INSURRECTION BILL.

JULY 6, 1822.

Mr. Goulburn having moved that the Speaker do leave the chair, for the purpose of enabling the House to go into a Committee of the whole House, to consider of the proposed re-enactment of the Insurrection Act, the said re-enactment to continue in force till the 1st of August, 1823,

Sir Robert Wilson proposed as an amendment, "That it be an instruction to the Committee, that they do investigate the causes of the present distressed state of Ireland, with a view to the adoption of such measures as may be calculated to restore and preserve the tranquillity of the country, and render unnecessary those provisions of extraordinary severity, which are incompatible with the spirit and practice of the British constitution."

In the course of the debate,—

MR. SECRETARY PEEL said, that in every instance of conviction under the Insurrection Act, the same consideration had been given, as would have been bestowed upon it had it occurred under the ordinary jurisdiction of the laws. The highest credit was due to the Lord-lieutenant, for the manner in which he had uniformly exercised the prerogative of mercy. He denied that the conduct of the government of Ireland had justified the gentleman opposite in stating, that the suspension of the Habeas Corpus Act was demanded from a lust of power. The hon. member for Limerick objected to the re-enactment of the Insurrection Act, because no inquiry had been made into the state of Ireland; but had that House shown any reluctance to inquire into the three great subjects of Catholic emancipation, tithes, and education? The minute attention which had been given to the subject of illicit distillation was another proof that Irish affairs were not neglected in that House. With respect to the scarcity of food now existing in that country, it was a subject of great delicacy and difficulty, and one in which government could never interfere, before great partial distress had arisen. Would it have been wise in government to prevent, by a premature interposition, that exhibition of public benevolence which had gone so far to alleviate the existing distress. With regard to tithes, every pledge which had been given by his noble friend at the commencement of the session had been fully redeemed. The hon. and gallant member (Sir Robert Wilson) had quoted a passage from a French writer on this subject, which he (Mr. Peel) professed himself wholly unable to understand. This writer talked of "uniting the chaunts and canticles of all times with the fruits and flowers of all seasons." [A laugh.] The right hon. gentleman concluded by supporting the motion, and by protesting against any modification of the Insurrection Act, as calculated to produce all the evils of an unconstitutional measure without any of the advantages which would arise from the present measure.

The House divided: for the original motion, 135; for Sir R. Wilson's amendment, 17; majority, 118.

In the committee, the House divided on Sir J. Newport's motion for limiting the duration of the bill to the 1st of May, instead of the 1st of August: ayes, 87; noes, 94; majority against the motion, 57.

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THE ALTERED STATE OF THE CURRENCY.—DISTRESS IN IRELAND.

JULY 10, 1822.

In a debate on Mr. Western's eighteen Resolutions, respecting the altered state of the currency,—

MR. SECRETARY PEEL asked, what reason there was for the House to revoke the decision it had come to not a month ago, without one new fact alleged; and begged gentlemen to consider the effect on all commercial intercourse of a declaration, that all transactions since 1797 were of doubtful equity, and should be revised. He contended, that the distress in Ireland was in no way attributable to the state of the

currency, but to the failure of the potatoe crop, which was the chief reliance of a population out of proportion to the means of employment.

The resolutions were negatived without a division.

## ADDRESS ON THE KING'S SPEECH AT THE OPENING OF THE SESSION.

FEBRUARY 4, 1823.

The Speaker having reported the Speech of the Lords Commissioners, and read it to the House, Mr. Childs moved an address to his Majesty, which was seconded by Mr. Wildman. Sir Joseph Yorke and Mr. Brougham having spoken on the occasion,—

MR. SECRETARY PEEL expressed his satisfaction, that there was such a desire in the House to concur with the sentiments contained in the Speech from the throne, and also with the sentiments which it was proposed to embody in the Address in answer thereto. After complimenting the hon. mover and seconder for the ability they had displayed, he proceeded to state, that as the hon. and learned gentleman, and also the hon. baronet who had followed him, had confined their observations to one point, he thought he should best consult the feelings of the House, by postponing any remarks which he had to make upon other matters to a future opportunity. There had, however, been some observations made of such immense importance, that he should be guilty of a dereliction of duty, if he allowed them to pass entirely unnoticed. The greater part of the speech of the hon. and learned member for Winchelsea, related to the policy, not of this country, but of the allied sovereigns. With regard to our own conduct, a time would come when a full explanation would be given of it; and he was sanguine enough to hope, that that explanation would be satisfactory to all parties. His majesty had repeated his determination to adhere to the principles which this government had laid down, first in 1793, and subsequently in 1821, respecting the right of one nation to interfere in the concerns of another. He conceived those principles to be, that every state was sovereign and independent, and was the only judge of the reforms and modifications which were necessary in its government; that, whatever course it might pursue in its internal concerns, of that course it was the sole and only judge; and that every other doctrine was as subversive of national independence, as the attempt of one individual to force upon another any specific line of conduct would be subversive of individual independence. The rights of states, however, like those of individuals, were subject to the interference of other states, if the exercise of them tended to the general injury. That injury, however, ought not to be of an imaginary or speculative kind—it ought to be of a nature clear to the feelings and palpable to the sight of every man; and of the necessity of making such an interference, each state, for the reasons he had before mentioned, ought to be the chief judge. With regard to the affairs of Spain, he could only observe, that as far as we were concerned, there was nothing in her present institutions that could warrant our interference with them. He trusted, however, that Spain would admit some changes in what was called the Spanish constitution; because he believed that such changes would tend to the advancement of her best interests, and the promotion of her best rights. It was his opinion, that it was not only an act of justice, but also an act of duty, for one friendly state to represent to another, the expediency of such changes; but, in making that statement, he by no means intended to say, that the grounds stated by the king of France for interfering in the affairs of Spain were such as warranted his interference; on the contrary, he meant to say, that he thought them not adequate. It was clear, that those who opposed the principle on which he interfered, could not approve of the mode of his interference. Still he thought, that the House ought to cherish the hope of peace; for no man could doubt what the real interest of England was under the present circumstances. If he spoke with reserve of the line of policy which England was likely to follow, it was because he still indulged a hope that peace would be preserved; and if it were not, he still thought that every man would be satisfied that every effort, consistent with the independence of the country, would be made for its preservation. In the speech of the king of France, war was not stated to be certain. The expression was, “*if war be inevitable.*” The

hon. and learned gentleman said, that the condition attached to that "if" rendered it so; for it was "unless Ferdinand VII. be free to give his people institutions." Now, it appeared to him, that two meanings might be attributed to those expressions; and it was only fair to give France the benefit of them. They might mean that no institutions would be considered legitimate, unless they were derived from a king in the full possession of absolute power, at liberty to give, and absolutely giving them, with his own free will, to the mass of his subjects. Now, if this were the meaning of the words, they contained doctrines to which no Englishman could agree, even for a moment. Personal freedom, freedom from restraint, was absolutely necessary on the part of the monarch. Whatever construction the terms of the speech of the king of France might bear, he (Mr. P.) was anxious that it should not be misconstrued. As an Englishman, he should undoubtedly say, that the king of France had no sufficient authority to interfere: as a Spaniard, he should of course contend the same; but, if he were a Frenchman, he could not at all tell in what view the question might present itself. He did not lay it down, that the principle adopted by France warranted her interference as a foreign power, in the internal affairs of Spain as an independent kingdom. Great Britain was, therefore, no party to any proceedings, direct or indirect, at Verona, that had this object. He was confident, that the House would excuse him from entering into further details, both on account of the absence of his right hon. friend, who presided over this department of the affairs of the state; and because, while, as he had before said, there was a chance of maintaining peace—while there was a hope that the irritation unfortunately subsisting might be allayed—he should repent, to the last moment of his life, if he dropped a single word by which that chance could be lessened. The rooted conviction of his mind was, that it was the policy of Europe that peace, general peace, should be preserved. After the devastation of the late thirty years' war, subjects and sovereigns ought to have an opportunity of directing their attention to internal affairs. A war must now be injurious to Europe at large; but especially to this country. Our great object ought to be, at such a moment, to maintain a strict neutrality. Undoubtedly, it was not for Great Britain to rejoice in the deterioration of other states. On the contrary, instead of viewing the growing prosperity of neighbouring kingdoms with jealousy or alarm, she had opened her eyes to a more liberal and just doctrine: she found that her interests were not incompatible with theirs, and that their increasing consumption gave to her an increasing demand. The most dignified position she could assume was that of a mediator, not between contending (for they were not yet contending), but between angry parties. The highest duty she could discharge was, to the utmost of her power, to prevent the commencement of a new war, the termination of which no man could foresee. He could not avoid expressing his regret, that the hon. and learned gentleman, in the heat of argument, had been betrayed into the use of too strong expressions with respect to powers the allies of this country. As our allies, we might protest against any principle of their policy; but in stating our feelings regarding their personal character, caution ought to be observed, and certainly opinions ought not to be expressed which he believed were without foundation. It ought not to be forgotten, that those whom the hon. and learned gentleman had arraigned with such sarcastic severity, had joined with us by a common effort, to repel a common danger. When, too, the hon. and learned gentleman spoke of that "great and resplendent character" Buonaparte, he confessed he had heard him with regret. Let him remember the exertions we had made with our allies against the atrocious violence of that individual. When the hon. and learned gentleman was speaking of Spain—when he was reprobating so strongly the interference of foreign powers—it was strange indeed that he should call that man "a great and resplendent character" who, with regard to Spain, had notoriously been guilty of the basest duplicity. Had the hon. and learned gentleman forgotten, while attempting to fasten on our allies all the crimes to which he had adverted that the individual he had so panegyricized had been guilty of every one of them? Had he forgotten that he had broken all promises, disregarded all treaties, murdered princes, and subjected independent states to the most unjust oppression? Above all, had he forgotten that this "great and resplendent character" had borne a most ferocious enmity towards this country, which had ultimately been the cause of his downfall? The hon. and learned gentleman had said, that the whole object of the congress of Verona was to take into consideration the affairs of Spain.



He begged leave to remind him, that other great questions had also occupied its attention,—the affairs of Italy, the slave trade, and the subsisting relations between Russia and Turkey. The recent conduct of Russia towards Turkey proved the injustice of the accusation respecting the spirit of aggression by which she was animated. Nothing could now be more manifest than that the policy of Russia of late had been marked by the greatest forbearance, and a desire rather to avoid than to promote war. With respect to the interference of Austria in the affairs of Italy, a stipulation had been entered into for the withdrawing of her troops. In his opinion, the step taken by Austria, in the first instance, was clearly justifiable. But, whether it were or were not, the conduct of Great Britain, both in the cases of Naples and Spain, had been perfectly consistent. Her conduct had been regulated, in both instances, by the same principle. She had left it to Austria to determine on the propriety of interposition on the grounds she had assigned; and at least she had shown, that her object was what she had stated—not territorial aggrandizement, but to prevent danger to her own dominions. One purpose of the congress was to decide the time when the troops of Austria should be removed.—The hon. and learned gentleman had directed but little of his attention to the internal affairs of this kingdom; no doubt reserving himself for some future occasion, when he would observe upon them more at large. The House must have heard with the utmost satisfaction, both that there would be a reduction in the estimates, for the service of the year, and that his majesty would be enabled, consistently with the maintenance of public credit, to recommend a further and a larger remission of taxation. Although, perhaps, rather irregular, he would now give notice, that it was the intention of the chancellor of the exchequer, after his return as a member, to take the earliest opportunity of entering into a general exposition of the financial state of the country, in order to explain to the House those details of reduction and remission of taxation, which he was satisfied would meet with the warmest approbation. It might not be anticipating too much to add, that a considerable part would apply to a diminution of the assessed taxes. He agreed, that it was most desirable to afford relief to the agricultural interest; but he did not concur in the notion, that that relief could be afforded by a remission of taxation. To the increasing prosperity of the manufacturing and commercial interests, he looked for the most material improvement. When so much new activity had been given to commerce—when such an increase had taken place in the manufacturing districts—it was impossible that ere long agriculture should not feel the benefit of the change, and in the end recover from its depression. As it was the wish of the House to come to a vote, he should abstain from further explanations, trusting that perfect unanimity would prevail.

After several other members had spoken, the address was agreed to, *nem. con.*

## LORD JOHN RUSSELL'S MOTION RESPECTING THE RIGHT OF VOTING.

FEBRUARY 20, 1823.

Lord John Russell moved, "That a Select Committee be appointed to inquire into and report to the House, the right of Voting, at present exercised, and the number of persons entitled to vote, in every City and Borough of England and Wales, sending members to parliament."

Mr. Secretary Canning objected, on various grounds, to the motion, and was followed by Mr. Abercromby in its support.

MR. SECRETARY PEEL then said, he thought that none of the objections of his right hon. friend (Mr. Canning) had been removed. The hon. and learned gentleman (Mr. Abercromby) had said, that these objections were visionary, inapplicable, and founded on exaggeration; but this he would deny. The hon. and learned gentleman had begun by throwing aside the general objection to the motion, and saying, that the noble mover was the judge of what information was best for his purpose; but, would any one say, that information which was to be afforded by that House, should be framed to answer the private purposes of any member? If the object of the noble lord were obtained, it might be productive of the most serious consequences. The

object was to expose the deformity of the boroughs; but if the noble lord meant, in his plan of reform, to retain the whole, or a part of these boroughs, he would ask if the exposure were prudent? The hon. and learned gentleman had denied, that any part of the noble mover's object was to expose the charters of the towns. Why, then, could not the information in that case be procured without the intervention of a committee? Did he not propose to follow this up by a power in the committee to examine persons, papers, and records? How was it possible to limit a question which was in its nature so sweeping? Why, under a committee possessing such ample powers, might not the charters be produced and exposed? The charters of private persons were exposed only in cases of litigation, and those of the boroughs should be so only in cases of disputed election. The hon. and learned gentleman had said, that there was a precedent, in the case of the Scottish county representation; but in that case there was no difficulty, and nothing to disclose. The whole of the voters were enrolled in the list of freeholders; and the information which had been obtained with regard to them, was not obtained through the medium of a committee. In the appointment of this committee, therefore, there must be some ulterior object—some other end in view. If this were not the case, why had the noble lord never thought of the committee till the present session? The House ought to pause, and consider, that the granting of this motion would prejudice the question of parliamentary reform. When that question came to be discussed, he was anxious to meet it fairly; but he was unwilling that it should be carried by a side-wind. If it were carried, the country would consider that the House was committed; and for that, as well as for the other reasons to which he had adverted, he would oppose it. Had it been merely the information that had been required he would not have objected to it; but he would oppose the committee.

Lord J. Russell said, that if the gentlemen opposite would agree to afford the returns for which he had moved, he would give up the committee.

Mr. Peel could not pledge himself as to the opinion he would give upon any motion which was not before the House; but he would meet it on its own merits when it was brought forward.

On a division, the motion was negatived by 128 against 90; majority, 38.

## AGRICULTURAL DISTRESS—SURREY PETITION—THE CURRENCY.

FEBRUARY 26, 1823.

Mr. Denison presented a petition from the Freeholders of the County of Surrey. The petition complained of the weight of taxes and of tithes; of the expensiveness of government in all its departments—its diplomacies, its armies, its colonies, and in the collection of its revenue. It recommended reform in parliament, general retrenchment, repeal of the malt-tax, and of the house and window tax. There was one point, however, which the petition did not touch, but upon which it might with great propriety have dwelt, and that was upon the tampering with the currency of the country, first in 1797, and again in 1819. He was of opinion, that those changes of currency had produced more mischief to the nation than any other cause whatever. It would have been incalculably better to have at once reduced the standard, than to have adopted the course which was now working so much mischief.

In the course of the debate which ensued MR. SECRETARY PEEL said, he did not rise to discuss the question of the currency, for he deprecated all incidental debate upon the subject, more especially as a notice of motion had been given, which would bring the whole question under the consideration of the House; but, if he remained altogether silent, he might be supposed to acquiesce in statements, the validity of which he could never admit. How was it possible to suppose that, after the long derangement which had taken place in the currency, its value could be restored by the bill of 1819, without partial pressure and inconvenience? It was no solid objection to this measure, that such pressure was proved to exist. It was a consequence that could not be avoided. Before 1819, as far as the fundholder was concerned, a great part of the debt was contracted in a depreciated currency; but it should not be for-

gotten, that there was a distinct enactment to the effect, that on the arrival of peace the currency should be restored. Different views of policy might be fairly entertained at different periods; but surely at all times, and at all periods, equity and justice were the same. What was just in 1811, was just in 1819, even though the pressure in the latter year were greater than in the former. What was the resolution proposed to the House in 1811, by Mr. Horner? why, that payment in cash should be renewed by the Bank, not within six months after the ratification of a definitive treaty of peace, but within two years from that present time. When it was found necessary to enact, that the payment of promissory notes in cash should be suspended, it was not in contemplation of those who passed the Act that any change should take place in the value of promissory notes; and that was what the House declared in its resolution of 1811. At the present period, then, would it be just, to make any deduction from what we were bound to pay the public creditor, on account of a change of value? Such was not the intention of parliament when it contemplated a return to cash payments on the event of peace. For himself, he maintained every opinion on the subject which he had advanced in 1819. He still deprecated a partial discussion, but he appealed to the internal state of the country now and in 1819, as an evidence in support of his opinions.

The petition was ordered to lie on the table.

## THE CHURCH ESTABLISHMENT OF IRELAND.

MARCH 4, 1823.

Mr. Hume, pursuant to notice, moved the following Resolutions:—

1. "That the property of the church of Ireland, at present in the possession of the bishops, the deans, and chapters of Ireland, is public property, under the control and at the disposal of the legislature, for the support of religion, and for such other purposes as parliament in its wisdom may deem beneficial to the community; due attention being paid to the rights of every person now enjoying any part of that property.

2. "That it is expedient to inquire whether the present Church Establishment of Ireland be not more than commensurate to the services to be performed, both as regards the number of persons employed, and the incomes they receive; and, if so, whether a reduction of the same shall not take place, with due regard to all existing interests.

3. "That the peace and best interests of Ireland would be promoted by a commutation of all tithes, on such principles as shall be considered just and equitable to the present possessors, whether lay or clerical.

4. "That a select committee be appointed to consider in what way the objects stated in these resolutions can be best carried into effect."

MR. SECRETARY PEEL, following Mr. Maurice Fitzgerald, Knight of Kerry, in the debate, said, he thought the hon. gentleman might have deferred till the day after to-morrow offering an opinion as to the measure to be brought forward by his right hon. friend. Thus much confidence he considered due to the Irish government, who, it had been admitted, had selected for high offices those only who were recommended by their fitness to fill them. Credit, therefore, might have been given them for a disposition to reform abuses which had been shown to prevail. The hon. gentleman had stated, that the Protestant population had been withdrawn from a considerable district, in consequence of the neglect of the Protestant church. He begged to read what had led to the Protestant population referred to being so withdrawn. He then read a statement from the Lord Primate, which set forth, that the livings in these parishes were so low, that no clergyman could be found to accept of them, a factious vote of the Irish House of Commons having reduced the vicars to want, and made it necessary to unite several vicarages into one benefice. In a case where several of these had been thus united, the total income arising from them did not exceed £200; and in other cases the amount produced under similar circumstances was not more than £100 a-year. The vote alluded to had passed in the year 1735, and its object was to discourage the growth of popery. Such an effect was not likely to be produced by that resolution; and nothing could be more unjust in itself. But he had not risen to reply to the

last speaker, but to the hon. gentleman who had brought forward the present motion. The question was not now, whether abuses should be inquired into which were admitted to exist. This was not sought; for he considered the greatest enemy to inquiry was that man who brought forward a proposition founded on such principles as the hon. gentleman had adopted and avowed that night. If the proposition before the house were adopted, it would affect not merely the Irish church, but the English church also—it was an attack upon both. And what was the situation of the church with respect to that House? He should beg the house to recollect, that by act of parliament (with the policy of which he did not find fault), the clergy were prevented from having a voice in that House; that the ancient assemblies through which they were accustomed to deliver their opinions (the convocation) had fallen into disuse; and that it therefore was but just that peculiar caution should be used in attacking the rights of men who had not organs through which to defend themselves. It was not, however, on this ground that he resisted the motion; but because he felt it necessary to make a stand against doctrines which tended equally to slavery and spoliation. Was it possible that it could be maintained by a Whig—by the hon. member, who went even beyond a Whig in popular opinions—that the privilege of complaint was to be withheld from the clergy? Was he to tell the clergy that they had no right to express their opinion on the subjects in which they were especially interested? If a bishop met the clergy of his diocese, to express an opinion on the commutation of tithes (not that they would not pay the most implicit obedience to the determination of parliament, but merely to declare that they did not consider that the proposed measure would benefit the church), the hon. mover told them, that they were to be regarded as the officers of a mutinous battalion, who met the officers of a brother battalion, to protest against the reduction of the army. If any man had maintained on his (Mr. Peel's) side of the House, that the petitioners, in behalf of an existing right of property, ought to be looked upon in the same light as soldiers guilty of a breach of the Mutiny Act, he would be justly met with general indignation. The hon. gentleman had asked them, what was the church of England? He had told them that there were various opinions, not as to its constitution, but as to the very meaning of the term. If, as the hon. mover had supposed, they were on the eve of voting that Quakerism should be the established religion of the state, he did not know what his notions might be as to the church of England; but so long as the Protestant reformed religion was the religion of this country, he should be at no loss to state what he conceived to be the meaning of the term, "church of England." It was no obscure or novel expression: it was employed in one of the most solemn Acts by which the liberties of the country were claimed and defined; and our ancestors did not think it inconsistent with their own freedom to maintain that of the church of England. In the first page of the first chapter of the first volume of the Statute-book, in *Magna Charta*, it was expressly declared—"Quod Anglicana ecclesia libera sit, et habeat jura sua integra et libertates suas illæsas." At the period of the Revolution, when the coronation oath was established, it was not thought inconsistent with the rights of the subject, to require from the Crown, in the presence of an archbishop or bishop, a positive and solemn engagement to maintain the Protestant reformed religion, and to preserve to the bishops and clergy the rights and liberties to which they were entitled. He denied the position, therefore, that the church of England meant no more than a congregation of Quakers, or any other sect voluntarily associated; and he refused to accompany the hon. gentleman one step in his inquiry, because he had not explained the principles on which he intended to proceed. His sophistry could not impose upon any member who had sat only a week in the House. He could not deceive the weakest man, by asserting that his object was the same as that of the primate, who said that the church of Ireland had been much misunderstood. The hon. member's first resolution was enough to show what his real purpose was. It declared, that "the property of the church of Ireland at present in possession of the bishops, deans, &c., of Ireland" (as if they were mere and absolute intruders), "is public property, under the control and at the disposal of the legislature, for the support of religion, and for such other purposes" (perhaps for defraying the deficiencies in the civil list, or for paying off the national debt) "as parliament, in its wisdom, may deem beneficial." Before parliament entered upon an inquiry into the condition of the church, they were to affirm, that the property of

the church was applicable to any other purposes than the maintenance of religion. It was a vain and useless discussion to inquire into the competence of parliament, nor should he be inclined to deny it; but, of this he was sure, that on any principles on which parliament could wisely act, they could not interfere with the property of the church—that they could not touch it without weakening the confidence in private property. He should not refer to the origin or antiquity of the church of Ireland; but, when the hon. member talked of the stipulations of the Act of Union as the reason why he did not abolish episcopacy altogether, he would ask, whether the hon. member could prove it consistent with the Act of Union to reduce them to four bishops, and one archbishop? The church of Ireland was a part of the United church of England and Ireland, and in the Act of Union, every bishop and archbishop was enumerated, and the rotation in which they were to take their places in parliament settled. For the reasons he had given, he felt it his duty to oppose altogether the entertaining of the proposition now recommended to the adoption of the House.

Mr. Denman having spoken, MR. PEEL rose to explain. He said, he thought it but fair to state, that he had never, in any debate on the Catholic question, urged the coronation oath against the concessions demanded. Such an argument he had never used; nor would he ever use one, which he was not prepared to avow and maintain.

At the close of the debate, the first resolution was put and negatived. On the second resolution, the House divided: ayes, 62; noes, 167. The third and fourth resolutions were negatived without a division.

## ORANGE SOCIETIES IN IRELAND

MARCH 5, 1823.

Mr. Abercromby, at the close of a speech of considerable length, moved—"That an humble address be presented to his majesty, humbly to represent to his majesty, that his faithful Commons, deeply deploring the existence of those dissensions by which Ireland has been for so great a length of time agitated and convulsed, and which, among other evils, have led to the formation of societies founded on exclusive and unconstitutional principles, beg leave to assure his majesty of their cordial and zealous concurrence in all measures necessary for sustaining and enforcing the laws, for giving to the people the full benefits of the constitution, and for aiding his majesty's paternal solicitude for the establishment of concord and union in Ireland."

Mr. Goulburn, strongly deprecating the motion, as calculated to induce the premature discussion of another subject that was likely to come before the House, moved the previous question.

In the course of the debate,—

MR. SECRETARY PEEL said, the House would be sensible of the anxiety he felt on addressing them upon the present occasion. It was most desirable, that a question involving so many important considerations should be treated with candour, fairness, openness, and impartiality, and, in whatever other places faction might exist, that it should not be found in that House. Although he was quite prepared to oppose the motion, yet he should be sorry to proceed in his opposition, without an opportunity of explaining the motives of his conduct, and of guarding himself against misconstruction. His object in the address he was about to make, would be to promote peace. He wanted no triumph for any party, but to prevent either from triumphing over the other. If, however, by succeeding in his opposition, he should be thought the advocate of faction, he would deprecate success as a serious evil. In delivering his present sentiments, there was a necessity for him to refer to his former opinions. In 1814, when the right hon. member for Waterford moved for copies of all the correspondence which had passed between Orange societies, and himself as secretary of Ireland, together with his answers, he (Mr. P.) seconded that motion, and the return was, that there was no such correspondence. During the whole of his official duties in Ireland, he had never once recognised any Orange society. In 1814 he had received an address from the very respectable grand jury of Fermanagh, thank-

ing him for the protection he had afforded to certain Orangemen. In his answer, he stated that, having seen a petition presented to parliament against Orange societies and Orangemen, containing many exaggerations, and some charges which he knew to be unfounded, he had not thought it inconsistent with his duty to defend the individuals thus falsely accused. In defending those persons, he had borne willing testimony to their past services, and to their general loyalty, and he confidently hoped, that they would give the best farther proof of their good feeling, by avoiding every act of an irritating tendency. He concluded by declaring, that he had never approved of any political confederation whatever. The right hon. gentleman then read three other documents. The first of these was a letter from himself, dated February, 1822, in answer to a communication which he had received, touching the institution of Orange lodges in England: the communication being accompanied by the opinions of eminent counsel, affirming the legality of societies so instituted. The purport of the letter was, that he did not approve of the institution of Orange societies in England, or think that any good was likely to result from their proceedings. The second document was a letter, dated July 3, 1813, addressed, as a circular, to the brigade majors of yeomanry corps in Ireland. It stated, that the Lord-lieutenant being desirous to prevent animosity and rancour between the different parties of the country, desired that the yeomen might not be allowed to assemble on the 12th of July, unless for the purpose of military exercise. The third letter, dated in 1814, referred to the letter of the 3d of July, 1813, enforced the observance of its contents, and added a strong recommendation, that the playing of party tunes should be avoided. These letters sufficiently showed what his sentiments with regard to party associations had been. He had every disposition to effect the object of the present motion; but, under the laws as they stood, he saw no means of doing it. As far as the yeomanry of Ireland, who were said to be chiefly Orangemen, were concerned, government saw its way; but, as regarded the mass of the Irish population, how did the hon. and learned gentleman propose to get his measure carried into effect? For instance, the procession on the day of the battle of the Boyne, with the flags and the party music—a proceeding which was one of great irritation to the Catholics—how was that procession to be got rid of? Did the hon. mover mean to introduce a law which should at once suppress all processions, or all associations for political purposes? Could such a law, consistently with the freedom of the country, be proposed? He was most sincere in his wish, that the objectionable courses should be checked; but he did not see how any good would be produced by the direct interference of the legislature. He cautioned the House against engaging in any declaration which would tend uselessly to offend the feelings of a large and high-spirited and loyal portion of the community. He was far from wishing in any way to encourage the hostility of parties. Combinations bound by secret oaths must always be objects of suspicion. He was aware that confederacies for legal purposes, maintained by perfectly legal measures, might, in the course of time, become degenerate. But he did not believe that the object of these Orange associations were any other than those which had been always professed. He could not confound their principles with a love of injustice, persecution, and disloyalty. As to the condition of the law, that might be a reasonable subject for consideration. A difference existed at present between the law of England and that of Ireland, with respect to secret oaths. In Ireland it was necessary to prove the nature of the oath, and the manner of taking it, in order to conviction. There certainly should be no difference between the laws of the two countries, upon a subject of that solemn nature; and, as far as the assimilating of the law went, a measure of that kind should have his full approbation. He assented entirely to the proposition, that the law should, if possible, be so framed that secret oaths should cease entirely. In the course of a few days he should be compelled to offer his decided opposition to a motion of his right hon. and learned friend (Mr Plunkett), for extending what were termed constitutional rights to the Roman Catholics; but, while a sense of duty compelled him to that course, he was free to express his earnest hope, that all party associations, whether legal or not, might cease. He thought he had given proofs that he was ready to go as far as any one—further than the existing law did go—to arrive at that end. He wished first to be assured as to the means. If he were a gentleman of Ireland, he would use all the influence of his station to induce the Orangemen to desist from any of those

practices which were considered so objectionable by their Catholic countrymen. He might appeal to them on grounds of policy; but he would choose higher grounds. On motives of policy, he would say to them, "You are a small party, and it cannot be wise to irritate a body of men so greatly superior in point of numbers." But he would appeal to better feelings: he would say to them, "These processions, toasts, and other manifestations of your opinion, cannot be supposed by any moderate man to be contrary to law; but they are of no use; they give offence to many who have not deserved injury; they wound the feelings of many respectable persons; you ought, therefore, to dispense with them, however harmless they may be in the view of the law." On the other hand, he would advise the Roman Catholics not to be extreme in marking what might be done amiss, nor too prone to construe every act of political exultation into an insult directed against themselves. It was utterly impossible that all those events, the recollection of which was a source of pride and satisfaction to every individual who felt himself politically identified with them, should at once be buried in oblivion. The Catholics themselves must admit, that the commemoration of such events by the Protestants did not necessarily imply insult to them. Let the Catholics look back to the events of the year 1688, and say whether there did not exist some common causes of exultation. He would take the instance of the celebrated siege of Londonderry; and he would ask any impartial Catholics whether, as Irishmen, they did not exult in that, as well as in many other signal instances of the courage of their countrymen? It was not to be inferred that because the Protestant rejoiced, he necessarily intended any insult to the Catholic. For the same reason, therefore, that he advised the Protestant to abstain from causes of irritation, he would advise the Catholic not to misconstrue the commemoration of events by the Protestants into an insult directed against themselves. The right hon. gentleman who spoke last had intimated, that his hon. and learned friend would be ready to withdraw his motion, if he could only have an intimation, that his Majesty's government were ready with any measure upon the subject. Upon that head he could give the hon. gentleman no direct assurance. But in November last, a communication had been made by the Lord-lieutenant, to show that some measure for putting down secret associations had become necessary. Subsequent events had not lessened that necessity. A proposition arising out of that communication was now before the government. But he would resist the motion on other grounds. It was proposed, that an address should be presented to his Majesty, praying that he would direct means to be taken for putting down societies assembled under "exclusive and unconstitutional principles." Was there ever an instance of parliament proceeding to such a vote, without having the matter in evidence before them? Addresses of this kind were of themselves deserving of particular attention in a constitutional point of view. He trusted that he might have credit with the House for holding no latent objections to the motion which he was reluctant to avow. But let them consider well. Here was an address proposed to the Crown. For what? To reform the existing, or to create a new law? If it were to enforce the existing law, a general declaration against political societies was unwise; it might be disregarded; it might be taken as an insult, and it could have no possible effect in alleviating existing irritation. There was no proof that the proceedings in question were illegal; but, admitting them to be illegal, and consequently that it would be possible to prosecute, would it be wise to institute a prosecution, backed by a resolution of the House of Commons? Would it be fair to send the parties to trial with all the prejudice of such a resolution against them? If the object were to introduce a new law, was it not a very unusual course for the House to assure the Crown of its readiness to assent to a new law, if it should be proposed? It belonged to that House to originate laws, and not to present addresses, informing the Crown that it would be willing to assent to a new law. On these general principles, the motion might be fairly objected to. In one part of the resolution it was stated, that the House would consent to give to the people of Ireland the full benefit of the constitution. It was impossible to say what effect the passing of such a resolution might have on the people of Ireland. What was meant by the full benefit of the constitution? No phrase was more commonly used in the discussion of the Catholic question; and such a resolution might therefore be supposed to pledge that House to a full concession of the Catholic claims. The hon. gentleman might argue,

that the full benefit of the constitution could not be enjoyed without such concession; but he (Mr. P.), who did not concur in that opinion, must pause before he gave his assent to such a resolution. He should strongly advise the House not to agree to any declaration. He did not object to a law, denouncing party associations as illegal and unconstitutional, especially under the present circumstances of Ireland. The hon. gentleman had said, that the Orange associations had the audacity to issue addresses to the people, to deliver opinions on public affairs, and to assume a co-ordinate power with the government itself. Now, he could point out some clubs and associations in which, perhaps, a little more discretion was exercised; but which, with respect to all those charges, would be found quite as fully committed. The Orangemen might cite a very formidable precedent in a society which existed before them, and which in all respects, except the article of secret oaths—(Hear, from the opposition benches)—and for that article of secret oaths, the law was now about to provide—gave them the example for most of those proceedings of which they were now accused. Declarations against general bodies were seldom useful. He would remind the House of Mr. Fox's remark, relative to some affairs which were passing in the north of Ireland, about the year 1795 or 1796, when principles were supposed to exist in that quarter much more alarming than any ascribed to the Orangemen. "I object," said Mr. Fox, "to all general condemnations of the people; but I object particularly to those now made on the inhabitants of the north of Ireland. You may tell me that they are men of the old leaven. I say, too, that they are men of the old leaven; but it is never to be forgotten, that it was the leaven with which, in the reigns of Charles II. and James II., the constitution was kneaded." Such was the language of Mr. Fox, with regard to the population of the north of Ireland; and if the principles of the Orangemen of the present day were denounced and stigmatized by that House, such a measure would have the effect of impressing them with the belief that their former services were forgotten: they might render a sullen obedience to the laws, but party spirit and party animosity would only be exasperated. Nor was the conduct of the Orange societies, in publishing declarations of their political opinions, without precedent. The Orangemen might refer to societies which existed before the Union; more especially to the declaration of the Whig Club in Ireland, in 1789. This Whig Club published a declaration, in which they avowed that they would endeavour, as far as in them lay, to maintain a parliament in the realm, exclusively invested with parliamentary rights. This, therefore, was an association established for the avowed purpose of resisting a legislative union. On these general grounds, he should oppose the resolution. In objecting to it, he trusted that he could not be fairly charged with endeavouring to procure a triumph for any party. One word more. A determination had been made by the government of Ireland, to prevent the dressing of the statue of King William. As soon as such intention was made known to the government here, he had lost no time in assuring his Excellency of the entire concurrence of ministers therein. If the motion were not withdrawn, he trusted that the House would give it a most decided negative.

Mr. Abercromby having replied, the motion was withdrawn.

## MESSAGE RESPECTING THE KING'S PROPERTY.

MARCH 6, 1823.

MR. SECRETARY PEEL presented the following message from the King:—

George R.

"His Majesty being informed that doubts have arisen touching the powers vested in his Majesty to dispose of any real, copyhold, or leasehold property to which his Majesty was entitled before and at the time of his accession to the Crown, and also concerning the powers of his Majesty's successors to dispose of the real, copyhold, or leasehold property to which they at the time of their accession to the Crown may be entitled, his Majesty recommends to his faithful Commons to take this subject into their consideration, and to make such provision respecting the same as may appear to them to be proper. G. R."



MARCH, 7, 1823.

The House having resolved itself into a committee on the King's Message,—

MR. SECRETARY PEEL said, he should propose that the chairman should ask for leave to bring in a bill, concerning the disposition of certain property belonging to his Majesty. By the statute of Queen Anne, and several other Acts, the power of the Crown to alienate real property was restricted. In 1799 another Act was passed, which removed those restrictions, as respected real property that might be considered as the private property of his Majesty. That Act took away such restrictions as regarded all real property purchased out of the privy purse, all real property purchased with any moneys not appropriated to the public service, or with moneys received by the Crown from any person or persons whatever, excepting only its predecessors. That was, the Act did not apply to any bequests received by the Crown *jure coronæ*; but it applied only to that which might be considered as mere private property belonging to the king, whether purchased out of the privy purse, or given by private individuals. Now, it was quite clear, that there was an omission in this last Act; for it made no provision for that which might be the private property of the king, at the time of his accession to the throne. It only enabled his Majesty, his heirs and successors, to dispose of their private property as kings; of that which they possessed, being kings; but not of that which they possessed as subjects, before their accession. At present there was this strange anomaly in the law—that the sovereign was treated as a subject, with respect to private property acquired by him as king; and as a king, in regard to private property acquired by him as a subject. The object of the proposed bill was, to provide that his Majesty and his successors might dispose of the private property that the king might acquire before becoming king; that he might dispose of it in the same way as if he acquired it after becoming king. With respect to personal property, that did not at all affect the present question. The bill had no other object in view; and he thought every one would see the justice of making such a provision.

Mr. Hume wished to know what was the nature of the distinction meant to be taken between property possessed by the king as king, and property possessed by him as private property acquired as a subject?

MR. PEEL replied, that what property the king held from his late majesty, was held *jure coronæ*. The bill would not apply to that, but only to the private property which the king possessed at the time of his accession.

Leave was given to bring in the bill.

## MUTINY BILL—FLOGGING IN THE ARMY.

MARCH 18, 1823.

On the order of the day for the third reading of the Mutiny Bill, Sir Francis Burdett adverted to the atrocious and unmanly system of flogging, which was still kept up in the army, and which he had hoped the government would, ere this, have seen the propriety of taking some means to abolish,—

MR. SECRETARY PEEL rose rather to deprecate discussion, than to reply to anything which had fallen from the hon. baronet. The admission of the hon. baronet himself justified this course; because, if it were not proper without due notice, to bring on a motion for the abolition of military flogging, still less was it prudent, without regular notice, to discuss that subject to which the latter portion of the hon. baronet's speech had applied. His right hon. friend, shortly after the recess, would be prepared, if matters remained in their present position, to lay a full statement before the House. He could have wished that the hon. baronet had waited, before he made his charge, to hear what case the government could make out. For his own part, he was free to confess, that he differed entirely from the honourable baronet in principle upon the subject; and he believed that the country would hear, with almost universal satisfaction, that, perfectly consistent with the maintenance of her honour and interests, there was nothing at present in her foreign relations which induced government to think that her tranquillity would be disturbed.

The Bill was read a third time and passed.

ARMY EXTRAORDINARIES.—SIR THOMAS MAITLAND.

MARCH 24, 1823.

In the debate on the Army Extraordinaries, Mr. Hume having revived certain charges against the conduct of Sir Thomas Maitland, the Governor of the Ionian Islands, and that of the Governor of Upper Canada, those gentlemen were defended by Mr. Wilmot; after which,—

MR SECRETARY PEEL observed, that no part of the speech of the hon. member for Aberdeen (Mr. Hume) had surprised him more than his protest against sweeping and general accusations. When the hon. member brought forward charges against absent individuals, he must be prepared to hear those charges repelled with warmth. He could not conceive a situation more delicate than that of an officer, in the discharge of arduous and painful duties, liable to such attacks and charges as the hon. member had thought proper to make. He considered his hon. friend (Mr. Wilmot) to be quite justified in the warmth he had expressed at the charges vaguely brought forward against Sir T. Maitland. For what were those charges? Why, such as, if true, must cause the dismissal of that gallant officer. He had been called a scourge and a tyrant, and a disgrace to the British name. Was it fair that such attacks should be made upon a question like that now before the House, and without even giving the accused or his friends the advantage of a notice? On such an occasion, his hon. friend had been imperiously called upon to vindicate Sir T. Maitland. Having for two years filled the office now so worthily occupied by his hon. friend, he begged to bear his testimony to the character of Sir T. Maitland. Never had there lived a man actuated by a more sincere desire to promote the honour of the British name

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THE IRISH LINEN TRADE.

MARCH 24, 1823.

The Warehousing Bill having been re-committed, on the motion of Mr. Wallace, Mr. Grattan objected to the warehousing of foreign linens, without the payment of a transit duty, as injurious to the staple trade of Ireland. Mr. Wallace expressed his willingness to allow time for the manufacturers of Ireland to forward hither their grounds of opposition to the bill,—

MR. SECRETARY PEEL observed, that the question of the linen trade of Ireland appeared to him to proceed on a distinct and peculiar principle, and could not be considered with reference to the general principle by which the commerce of this country was regulated. The point to be looked to was, how the linen trade could best be extended and supported, so as to render the greatest portion of benefit to the people of Ireland. He viewed that trade with much interest, not only because it was intimately connected with the peace and tranquillity of Ireland, but because it was associated with certain historical recollections. The linen trade was given to Ireland by a great monarch. Every thing was done to discourage the woollen trade of Ireland, and to encourage that of England; but, at the same time, a solemn promise was given that the linen trade of Ireland should be fostered and encouraged. When the subject came to be discussed, he should approach it with these feelings.

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RIOT AT THE DUBLIN THEATRE.

MARCH 24, 1823.

Colonel Barry moved for “Copies of the Informations charging James Forbes, George Graham, and Henry Hanbridge, with a Conspiracy to kill and murder his Excellency the Lord-lieutenant of Ireland, upon which the Commitments of the said persons to his Majesty’s Gaol of Newgate, in the City of Dublin, on the 23rd of December last, were founded.”

[It appeared, from the speech of Mr. Plunkett, the attorney-general for Ireland,

who rose to oppose the motion, that on the 14th of December the Lord-lieutenant went to the theatre. Before he went, it was publicly announced that there would be a riot at the theatre. Information was given to his excellency that his person would be in danger. Measures were taken in consequence, which, as afterwards appeared, were ineffectual. The night of the visit arrived, and there was a considerable tumult. Immediately on the Lord-lieutenant coming in, the tumult commenced. A general sentiment of approbation of his excellency was expressed by the unbought and unpacked portion of the audience; but it was attempted to be drowned in the violent hisses and groans of the rioters in different parts. But they did not confine themselves to such extemporaneous expressions of feeling as hisses and groans; they dropped down printed hand-bills, containing vulgar and illiberal attacks on the Lord-lieutenant, and mottoes of "No Popery," as well as personal insults. It was observed, that between the persons in the pit and gallery, there were signals which afforded evidence of previous concert. In particular, there was a party on the left-hand side of the gallery, who made a violent uproar, by hissing and uttering expressions the most insulting and offensive; and it was remarked, that their expressions were not merely directed against the Marquis Wellesley, either in his private capacity or as Lord-lieutenant of Ireland, but were directed also against the Roman Catholic population in general. The cries of "No Popery!" "Down with the Popish government!" were reiterated; and that sort of disturbance continued until the play was over, and the tune of "God save the King" called for. Now, it was of importance to know, that in the box in which his excellency sat, he was by a projection so secured against any mischief from the gallery while he sat back, that it was almost impossible to reach him by a missile from that part of the house. When the tune was called for, his excellency stood up, and advanced to the front of the box, where he became a distinct object to several parts of the house to which he was not visible before. Just then a bottle was thrown from the upper gallery, which passed over the pit, and hit the drop-scene or curtain half-way between the centre and the place where his excellency stood. This he could not look on as any light or trivial matter; though some persons seemed to think it a good joke. Three witnesses distinctly stated that it was thrown at the Lord-lieutenant; though, when the fact was alluded to by the right hon. gentleman, he (Mr. Plunkett) thought he heard something like merriment—some "peals of devilish laughter." But he would stand on the judgment of the House and the public, whether it were a *jeu d'esprit* to throw a bottle at the king's representative in the public theatre? (Hear, hear.) When the bottle had been thrown at the head of the Lord-lieutenant, a person who had been very active with a watchman's rattle, was observed to break it in two, and to fling one of the pieces, which hit the box of the Lord-lieutenant with such force as to cut the cushion, and leave a deep impression, whence it rebounded and fell on the stage. These facts were, beyond all controversy, proved in evidence. It was also proved, that while this was going on, a number of persons were using whistles to create confusion, and that several persons were in the upper gallery armed with bludgeons, and a number of the audience were severely beaten by them. It was clearly proved that a person named Hanbridge had thrown the bottle, that the rattle was flung by a man named Graham, and that a person named Forbes had been one of the principal planners and contrivers of the whole attack. He was observed in the corner of the lattices at the left-hand side of the gallery, communicating with those persons who had discharged the missiles on the left. As to Hanbridge, his conduct was taken notice of by a person who never took his eye off him, until he saw him safely lodged in the police-office. These facts occurred on the Saturday night, and some persons were then taken up, who underwent investigation. When he (Mr. P.) was consulted, he was now free to say, that his impression on the first view was that the disturbance involved nothing more than a misdeemeanour. The investigation continued about seven days. It appeared that Forbes, on being released, had gone to a tavern in Essex-street, where he was met by others, and there he talked of the throwing of the missiles, and other particulars of the riot. He spoke of himself as having been involved in the riot, and to that extent which might affect his life. He said he knew he might be transported to Botany Bay; but he had no objection to go there, provided he could raise an Orange lodge in his place of banishment; that he had only one life, and would freely sacrifice it for the

cause. He stated that the bottle and the other instruments were badly aimed; he regretted they had not hit their object; and, what was more material, he stated his hope that the same efforts would be renewed another time, and be more effectual. Now, all this had been proved by two witnesses on oath, on whose testimony not the slightest imputation had been cast. One of them was a Mr. Farrell, an attorney, the other was a Mr. Troy, a respectable silk-mercator, and he believed their evidence was beyond all imputation. When he (Mr. P.) had heard the testimony of those persons, the whole transaction assumed a different character. Instead of an aggravated riot, in which the danger to the life of the Lord-lieutenant was only consequential, it appeared a direct attack on the person and life of his excellency. He gave his advice accordingly; and, under the same circumstances, he would do so again. He had thereby discharged his duty to the Crown and the public, in the most conscientious manner, and to the best of his ability. The right hon. gentleman was wrong, however, if he thought that the committal bound him, as prosecutor, to a particular mode of trial. He seemed to think it criminal to commit on a capital charge, and not to follow it up by a capital indictment. But nothing was more familiar in practice; and, indeed, it would be highly injurious to the prisoner, if, on further investigation, something should be discovered which did not bear out the capital charge, and he should be put on trial for his life. He would now state what had determined him to forego the capital accusation. He was as anxious as any one that the public mind should be disabused; and if he were now asked if he thought there was a conspiracy to murder, he would say he did not think there was; and, if he were on his oath, in the jury-box, he would, on such a charge, have acquitted the prisoners. But the circumstance which induced him to alter his opinion was, that although convinced in his conscience that the party accused entered into a conspiracy to commit crime of as deep a malignity as that with which they were charged, yet it was not exactly what the law recognised as capital. These men were guilty of a deliberate conspiracy, not to murder, but to compel the Lord-lieutenant to change the measures of his government—measures for governing all the people of Ireland by the aid of equal law, without distinction of party or opinion. Yes, against that unprecedented anomaly of equal law in Ireland, was that conspiracy formed.—He would now tell the House of what nature it was. After the king had declared his intention, in his parting letter, of discountenancing party animosities—after he had declared his wish that sentiments of irritation should no longer be encouraged, and had recommended that party toasts should no longer be given—the Lord-lieutenant directed, that an anniversary which revived remembrances of their having been a conquered people should be discontinued. Some persons in the city of Dublin who had been in the habit of celebrating those days, were highly exasperated; and four or five persons, members of Orange lodges, consulted together, and it was declared, that the Lord-lieutenant's visit to the theatre would be a good opportunity to insult him, and make him unpopular, and would make it also be believed by the government in England, that he was so: he was to be insulted for the purpose of forcing him to quit the theatre, and ultimately the country. Subscriptions were raised for the purpose of packing the theatre, and filling it with persons from the Orange lodges. The money was raised in an Orange lodge of a higher description, by persons who could find money for themselves, and furnish it for the admission of others. They accordingly met, having deliberately formed this plan. Parties from a particular lodge were to go to the pit door, and seize that part of the theatre near which the Lord-lieutenant was to sit. Three persons, members of this lodge, went to the theatre on Saturday morning, and purchased a sufficiency of pit tickets to admit sixty or seventy persons to the one-shilling gallery; three going in on one pit ticket. Those persons went to the lodge in Ship-street, where an inferior lodge met. Forbes was one of the persons, but he had not been present at the first meeting. From that place men were sent to the theatre armed with bludgeons, and infuriated with whisky. Forbes accompanied them; and besides assisting them to the bludgeons, furnished them with instructions to compel the Lord-lieutenant to leave the theatre. But the rioters seemed to be perfectly indifferent to consequences, so long as they had a prospect of being able to counteract the king's commands. The principal object being to compel the Lord-lieutenant to change his measures, or to leave the government, the danger to his life was but consequential, not direct; and that

was not the case which sustained the capital charge. Bills of indictment were sent up to the grand jury, not for the capital charge, but for a conspiracy to riot.]

Dr. Lushington having spoken in support of the motion,—

MR. SECRETARY PEEL said, that the question was, whether certain informations, upon which the magistrates had committed some persons, accused, in those informations, of a conspiracy to murder the king's representative should be placed before the House? He must say, that he did consider a great part of the hon. and learned gentleman's speech (Dr. Lushington) had been completely beside this question. These were *ex-officio* informations, the House would observe; and, surely, it was most extraordinary, that the hon. member for Armagh, who had given notice of a similar motion to the present, had not included in his notice these informations. It was not less extraordinary in his right hon. friend the member for Cavan, to have moved for these papers immediately after the hon. member for Armagh had gone out of town, and the hon. secretary for Ireland had returned to the discharge of his official duties in that country. The question was, whether the magistrates in this case had, or had not, exercised a proper discretion in committing the parties? If so, it was contended, these informations might be produced. But he answered, that they were not necessary for the purposes of the present motion. If they were not, was it desirable, on any other grounds, that this information should be laid before the House? It was admitted, that if the parties had been improperly committed, they might have their actions against the magistrates. Now, was it consonant to practice, that in such a case the House should interfere, the remedy being admitted to reside in a court of law? And if this remedy were so to be administered in a court of law, such a court would be the proper place for the production of these papers. To produce them now, would be extremely unjust towards the parties who might be thus put on their trial. It was impossible that these informations, were they even furnished, could give as much information upon the matter as the evidence adduced by the parties when put upon their trial. On these sound and parliamentary principles, he could not concur in the present motion.

## IMPRISONMENT OF MARY ANN CARLILE.

MARCH 26, 1823.

Mr. Hume presented a petition from Mary Ann Carlile (the sister of Carlile, the writer and publisher), complaining of hardship, and praying for redress.

[It appeared that the petitioner had been convicted, on the prosecution of the Society for the Suppression of Vice, of the publication of a pamphlet, entitled "An Appendix to the Theological Works of Thomas Paine," a tract which questioned the Divine origin of the Christian religion, and sentenced to an imprisonment of 12 months in Dorchester gaol, and the payment of a fine of £500.]

Sir T. Acland, the attorney-general, and Mr. Ricardo having spoken,—

MR. SECRETARY PEEL did not rise to reply to all the arguments which had been brought forward on the opposite side, but rather to state the grounds on which he could not recommend the individual in question to the mercy of the Crown. The law of the country made it a crime to make any attempt to deprive the lower classes of their belief in the consolations of religion; and while this law remained unrepealed, he should think himself wanting in his duty, if he shrank from applying and enforcing it. If there were any blame for continuing the imprisonment complained of, he was willing to take all the blame on himself. His learned friend had properly said, that there was no contrition expressed in the petition, not as an evidence of her present belief, but to show that, after a year's imprisonment, she gave no reason to suppose she would not again commit the same offence. She was unable to give the sureties required by the law, and contrition might have been accepted in their stead. But without either sureties or contrition, refusing both, his learned friend was justified in the remark he had made. The hon. member, as remarked by the member for Devonshire, had very adroitly appealed to the House, not to mix up other matters with the prayer of the petition, but to confine themselves to the particular case; and, if there were only the individual case, the Crown would be justified

in extending mercy. But this was one part of a system for propagating sophistry and delusion—it was an attempt on the part of the family of the Carliles to triumph over the laws and religion established for the general benefit. The right hon. secretary then referred to the repeated convictions of Mr. Carlile and his wife and sister, to show that they carried on a regular system for the benefit of the whole family. It proved, he said, that there was a concerted attempt to triumph over the laws, and establish a supremacy which they should not reach. It was not possible to consider this as a single crime, but one of a connected series. The hon. member stated, that, in fact, the sentence was one which involved perpetual imprisonment.—Now the sentence was, that Mary Ann Carlile be imprisoned one year, and pay a fine of £500. When the Crown thought she had passed a term of years in confinement, equal to that fine she was unable to pay, it might extend its mercy to her; and, if he then filled his present situation, he would recommend and advise the Crown to do so. The alternative was not, therefore, as stated by the honourable member, either paying the fine or perpetual imprisonment. He avowed that he advised the Crown to reject the prayer of her petition for her release at the present period.

After a speech from Sir Francis Burdett,—

MR. PEEL said, he had never stated, as the hon. baronet seemed to think, that contrition was a *sine qua non*—that it was impossible Mary Ann Carlile should ever be released without expressing contrition; he disclaimed this. Some one, he said, must advise the Crown as to the exercise of its discretion, with regard to such cases as the present. Suppose any person should refuse to pay his fine, what would the hon. baronet do in that case? Would he then recommend such a person to be discharged? It was a just consequence of this, that he who refused to pay his fine, should pay by a certain quantum of punishment.

The petition was received, and ordered to be printed.

[On the 10th of April following, in a speech which arose on the subject of crown debtors, Mr. Peel expressed similar sentiments. He disclaimed any idea of apportioning certain quantities of imprisonment to the liquidation of certain penalties. The lenity of the Crown would always be freely dispensed, but it could be dispensed only with a due regard to the circumstances of particular cases. Some portion of imprisonment, where a fine was not paid, became absolutely necessary; because, if fines were not exacted, they would of course cease to be paid altogether.]

## BENEVOLENCE IN IRELAND.

APRIL 11, 1823.

In a committee of supply on the Irish Miscellaneous Estimates, Mr. Peel availed himself of the opportunity to pay the following handsome tribute to the charitable and benevolent feelings of the people of Dublin. He said, he could, from his own knowledge assert, that more liberality, or a greater portion of charitable feeling, did not exist in any community than was to be found in Dublin. The hon. baronet (Sir John Newport) had spoken of the disadvantages under which Ireland laboured, in consequence of the absence of many individuals of wealth and rank, whose duties obliged them to reside principally in this country. But there was another point which bore particularly hard on the city of Dublin. A great number of persons, from every part of Ireland, proceeded to Dublin, on their way to this country, where they hoped to procure a livelihood. The consequence was, that the poor of all sorts congregated there, and the ordinary sources of charity were inadequate to their support. He had himself officiated on charitable occasions in Dublin, and he never knew larger funds to be raised in any place for purposes of charity and benevolence. He had seen from £600 to £800 collected at a charity sermon. These donations supplied, in some degree, the place of the poor laws.

## ROMAN CATHOLIC CLAIMS.

APRIL 17, 1823.

Sundry petitions having been presented against the claims of the Roman Catholics, and amongst them one from the Rev. Sir Harcourt Lees, of Dublin, and a petition in favour of those claims from several of the clergy of the diocese of Norwich. Sir Francis Burdett addressed the House at considerable length on the subject. In the course of the ensuing discussion,—

MR. SECRETARY PEEL said, that after what had fallen from the hon. member for Westminster (Sir Francis Burdett), he found himself compelled to address the House. He would be brief in his observations; but what he said he wished to address to the hon. member for Westminster particularly. The hon. member had insinuated a doubt of the sincerity of his opposition to the present motion; he had insinuated that the fears which he professed to entertain for the success of the motion were not only groundless but pretended. What right had the hon. baronet to make such an insinuation? The hon. baronet had a right to blame the conduct of members, to attack their opinions, to expose their arguments, to treat their opposition to the Catholic claims as an opposition to the best interests of the country; but how was it consistent with the hon. baronet's general principles of toleration, to give no credit, even for sincerity, to the opinions of his antagonists, and to arrogate propriety exclusively to himself? And the hon. baronet, by way of bringing the matter to a test, had asked him (Mr. Peel) to answer one question—Was he really afraid of the Pretender, the Pope of Rome, or the Devil? as though an answer to that question could explain the grounds upon which he founded his opposition to the claims of the Catholics. If his right hon. friend near him persisted in bringing forward his present motion, he should be ready to repeat his confirmed objections against it; and when he had done so, let the hon. baronet treat those objections with what severity he pleased; but until then, let the hon. baronet keep to himself his doubts of his sincerity. He protested that he would rather submit to eternal exclusion from office—and perhaps he should consider that as no very great sacrifice—than consent to hold power by the compromise, or by anything approaching to the compromise, of an opinion. And by what right were imputations of such a nature cast upon him? With what variation of principle could he at any time be charged? From the earliest period of his political life, caring nothing for the opinion of friends—caring nothing for the opinion of the people—he had uniformly opposed the concessions to the Catholics.—He was sorry to be compelled to take up the time of the House, but he felt bound to notice one or two observations which had fallen from his right hon. friend (Mr. Wynn). On his late return to office, he had claimed for himself the privilege of acting precisely as he should think fit on the subject of the Catholic claims; at whatever time, and under whatever circumstances, those claims might be brought forward. Finding the Marquis Wellesley appointed to the Lord-lieutenancy and his right hon. friend near him, to the situation of Attorney-general, he had seen no reason for refusing to co-operate with them; but, as for six years previous to those appointments, he had held the post of chief secretary for Ireland, it was impossible for him, consistently with his own honour, to acquiesce in the observation of his right hon. friend (Mr. Wynn), that, at the time of those appointments, a pledge had been given to the Irish for a just, impartial, and conciliatory government. He could not but take that observation of his right hon. friend as conveying an imputation upon himself, and upon the honourable persons with whom, while secretary for Ireland, he had acted. He was perfectly aware of the effect which his known opinions would have upon the people of Ireland. He knew that it was impossible for any man to hold such opinions, and to fill the situation he had filled, without being exposed to ill feeling and to misrepresentation. His constant object in Ireland had been a fair administration of the laws as they existed; and he challenged the country to produce any instance in which, while he had held office, an impartial administration of those laws had been denied.

It was during this discussion that Mr. Brougham charged Mr. Secretary Canning with having exhibited “a specimen, the most incredible specimen of monstrous truckling, for the purpose of obtaining office, that the whole history of political tergiversation

could furnish—" The hon. member's sentence was cut short by Mr. Canning's sudden exclamation, " I rise to say, that that is false ! " So much warmth between the parties ensued, that Mr. Banks moved, " That the Right Hon. George Canning and Henry Brougham, Esq., be committed to the custody of the sergeant-at-arms attending this House." After the interference of several members, and certain conciliatory explanations having been mutually offered,—

MR. SECRETARY PEEL put it to the House whether it were not their sincere conviction that a satisfactory explanation had been given, calculated to allay any unpleasant feeling that might have existed between his right hon. friend and the learned gentleman? With respect to the circumstances out of which the misunderstanding arose, he would say that the facts must have been grossly misrepresented to the learned gentleman; for that nothing could by possibility be more free from the imputation of truckling than the manner in which his right hon. friend had accepted office. He appealed to the House, whether this affair had not been satisfactorily terminated, and ought not to be further proceeded in?

Mr. Banks then said, he was perfectly satisfied, and begged leave to withdraw his motion. After which, Mr. Canning and Mr. Brougham consented that the affair should be allowed to drop.]

## ADMINISTRATION OF JUSTICE IN IRELAND.

APRIL 21, 1823.

In a conversation which arose respecting the Administration of Justice in Ireland for some years back.—

MR. SECRETARY PEEL said, this credit he must claim for himself and for those with whom he had acted in the administration of Ireland, that they had acted with most perfect impartiality. He would say further, that a most scrupulous attention had been paid, to prevent the operation of any religious prejudices in the administration of justice. In any case where Protestants and Catholics were concerned in an outrage, instead of trusting to local representations, counsel of eminence were sent to the spot, and if there were a chance that they could not direct the administration of justice impartially, the law officers of the Crown were directed to take it into their own hands. So far from any religious distinction operating to an exclusion from offices to which they were legally admissible, he could say that in no one case had he made the inquiry, whether a candidate for office were Catholic or Protestant. In the whole of the six years that he was connected with the government of Ireland, he did not recollect a single instance in which any objection was ever made by any member of it to any individual because he was a Catholic. If his own particular feelings, as well as those of the other leading members of the administration on the subject of the Catholic claims, had not been sufficient to produce impartiality in their conduct towards the Catholics, there were still two individuals in the administration—namely, the solicitor-general, and the chancellor of the exchequer for Ireland—who were distinguished for the zeal with which they advocated the right of their fellow-countrymen to complete emancipation; and yet, though he differed in opinion with those gentlemen on that subject, he had never differed with them in opinion on any question that related to the administration of justice, or to the admission of Catholics into such offices as they were by law entitled to fill. With respect to his own re-admission into office, he would frankly declare, that he never would have consented to enter into any administration, had he supposed that there was an impression in the minds of his colleagues that he had been guilty of any partiality in the administration of justice, or in the admission of individuals to office. He had been appointed to the post of secretary of state for the home department, and had been placed in direct correspondence with the Marquis Wellesley; and he could assure the House, that as far as he was concerned, he had done all in his power to carry that nobleman's designs into execution. It was impossible for him to acquiesce in any compliments that were made to himself at the expense of those with whom he had been connected; and he claimed credit for all of them, for having acted on the principles which he had already stated.



## INQUIRY INTO THE CONDUCT OF THE SHERIFF OF DUBLIN.

APRIL 21, 1823.

Sir Francis Burdett, pursuant to notice, moved—"That the statement made by the attorney-general of Ireland, in his place, on the 15th day of April, respecting the proceedings on the trials of Forbes, Graham, and Hanbridge, renders it incumbent on this House to institute the strictest examination into the conduct of the sheriff of the city of Dublin on that occasion."

Mr. Plunkett, the attorney-general for Ireland, entered into an explanation of the proceedings in those trials; and, in the course of the ensuing discussion,—

MR. SECRETARY PEEL said, it seemed to be agreed upon all sides, that, in justice to the high sheriff and to all the parties concerned, some inquiry should take place. The question, then, was, what was the best mode of making such inquiry? He conjured the House to confine itself, in the consideration of this subject, to the principles which had ever guided them on such occasions—principles which in this instance would, he trusted, be separated from all party feelings. He appealed to any man who heard him, whether the arguments adduced for inquiry at the bar of the House were sufficient to show that this case was an exception from the general rule? The hon. member for Limerick had said, that the conduct of the grand jury ought to be inquired into. Surely the hon. member must have forgotten the terms of the motion. In that the conduct of the sheriff only was included. If they were to go further, let it be so stated; but if they were not, let them confine themselves to the question before them. But, supposing the conduct of the grand jury were to be examined, how were they to proceed? Were they to receive the evidence of those whom the grand jury had examined, or of those who stated that the grand jury had refused to examine them? If they did this, how were they to put the grand jury on their defence? How could they call upon them to disclose that which they were bound by oath to keep secret? This was not a case in which the political circumstances of Ireland could be taken into consideration. The noble member for Yorkshire had argued, that this was a case where the House was bound to inquire, not only into the conduct of the sheriff of Dublin, but into the conduct of sheriffs generally. Now, this was opposed by the hon. member for Limerick, who stated, that the case was widely different from that of other sheriffs: and this was a reason which would induce him to send the case for inquiry to a court of justice, rather than to the bar of that House. From the loose statements made upon this question, most of which were contradicted as soon as made, the bar of the House, where parties could not be examined upon oath, was not so fit a place for inquiry into the circumstances as a court of justice, where an oath must be administered. This was not a case where there was a denial of justice, for the attorney-general for Ireland was ready to prosecute, if necessary. By instituting a process at their bar, the House would be adopting that course for which some hon. members were so ready to blame the attorney-general—namely, taking the case out of the regular and ordinary administration of the law. There were, in the recollection of the House, instances where it had interfered. He alluded particularly to that of an hon. member (Mr. W. Quin), where the delay had been, not merely from day to day, but from week to week. He did not say that the time of the House should not be so occupied, if occasion required, but he did think that if this inquiry were gone into at their bar, it would be found to extend to a most inconvenient length. Besides, in the case of a conviction on the part of the House, that some ulterior proceedings were called for, they must in the end send the matter to a court of justice; and that would be sending the sheriff to trial with a strong prejudice against him, arising from the decision of the House. It would, therefore, be much better to let the matter take its course before the ordinary tribunals of the country.

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## NEGOTIATIONS RELATING TO SPAIN.

APRIL, 28, 1823.

Mr. Macdonald rose to make his promised motion :—

“ That an humble address be presented to his majesty, to inform his Majesty, that this House has taken into its most serious consideration the papers relating to the late negotiation, which have been laid before them by his Majesty's gracious command :

“ To represent to his Majesty, that the disappointment of his Majesty's benevolent solicitude to preserve general peace, appears to this House to have, in a great measure, arisen from the failure of his Majesty's ministers to make the most earnest, vigorous, and solemn protest against the pretended right of the sovereigns assembled at Verona to make war on Spain, in order to compel alterations in her political institutions, as well as against the subsequent pretensions of the French government, that nations cannot lawfully enjoy any civil privileges but from the spontaneous grant of their kings—principles destructive of the rights of all independent states, which strike at the root of the British constitution, and are subversive of his Majesty's legitimate title to the throne.

“ Further, to declare to his Majesty, the surprise and sorrow with which this House has observed that his Majesty's ministers should have advised the Spanish government, while so unwarrantably menaced, to alter their constitution, in the hope of averting invasion ; a concession which alone would have involved the total sacrifice of national independence ; and which was not even palliated by an assurance from France, that on receiving so dishonourable a submission, she would desist from her unprovoked aggression :

“ Finally, to represent to his Majesty, that, in the judgment of this House, a tone of more dignified remonstrance would have been better calculated to preserve the peace of the continent, and thereby to secure this nation more effectually from the hazard of being involved in the calamities of war.”

Mr. Stuart Wortley moved by way of amendment, to leave out from the word “ command,” to the end of the question, in order to add the words, “ To assure his Majesty of our entire concurrence in the principles which his Majesty has repeatedly declared with respect to interference in the internal concerns of independent nations. and in his Majesty's just application of those principles in the course of the late negotiations to the case of Spain :

“ To acknowledge with gratitude his Majesty's earnest and unwearied endeavours to preserve the peace of Europe :

“ To express our deep regret that those endeavours have proved unavailing, and, while we rejoice that his majesty has not become party to a war in which neither honour, nor treaty, nor the welfare of his majesty's dominions, required his majesty to engage, to assure his majesty, that highly as we estimate the advantages of peace, particularly at the present moment, we shall be at all times ready to afford to his majesty our most zealous and affectionate support in any measure which his majesty may find necessary to fulfil the obligations of national faith, to vindicate the dignity of his crown, or to maintain the rights and interests of his people,” instead thereof.

After a protracted debate,—

Mr. Peter Moore rose amidst loud cries of “ Question,” “ Adjourn,” “ Go on,” from every part of the House, and said, that considering the intense interest of the question, and the number of gentlemen who were still anxious to deliver their sentiments upon it, he would move the adjournment of the debate until to-morrow.

The motion was agreed to.

APRIL 29, 1823.

Several members having delivered their sentiments,—

Mr. SECRETARY PEEL said, that as he was a member of that administration against which a severe criminality resolution had been moved, he stood before the House in the situation of an accused party, and he therefore felt a natural, and, he trusted, a laudable anxiety to plead not guilty to the charge, and to state the grounds on which he thought that the members of administration were entitled to a complete acquit-

tal. At the same time, he was so well satisfied with the able defence of his Majesty's government which had been made by his right hon. friend the chancellor of the exchequer—a defence which had not been at all weakened or touched by the speech of the hon. and learned gentleman (Sir J. Mackintosh) who had just sat down, but which had rather been strengthened by the careful manner in which the hon. and learned gentleman had avoided every position which his right hon. friend had laid down—that, after what had passed in the House the last two hours, he felt that he almost owed an apology to the House, for venturing to address it once more upon the same side of the question. He would now proceed to examine the speech of the hon. and learned gentleman; and he would ask, what could be the object of that speech, except to recommend a declaration of war against France? Not more than five minutes had the hon. and learned gentleman employed in showing that this country ought to have assumed a more dignified tone of remonstrance, during the late negotiations. The arguments which he had subsequently addressed to the feelings and to the passions of the House, had all gone to show that his majesty's ministers ought to have issued a direct declaration of war. The hon. and learned gentleman had referred much and often to the balance of power. And for what purpose?—to convince the House that that balance was now in such jeopardy, that we were bound to interfere for its preservation, even at the expense and hazard of being involved in a war. The hon. and learned gentleman had said, that he would avoid the question whether justice required us to go to war, and would only examine the simple question whether our honour or interests demanded it. The real question, however, was, did the honour of the country—and if the honour, did the interests of the country—render it necessary that we should become a party to the war? Did, then, the honour of the country require of us war? He answered, no. Did the interests of the country require it? He again boldly answered, no. Did the faith of treaties require it? Once more he boldly answered, no. Did the voice of the people of England call for it? Again he boldly answered, no. Did the government of Spain require it? Again and again he boldly answered, no. Since, then, neither the government of Spain, nor the voice of the people of England, nor the faith of treaties, nor the interests nor the honour of the country required of us war, he would ask, was there any reason for criminating his Majesty's government, because it had not resorted to any such measure?

The hon. and learned gentleman had endeavoured to cover with ridicule the hon. member for Corfe Castle; but he had found it impossible to touch that hon. gentleman's position with regard to the balance of power, without first misrepresenting its meaning. The question at present was not whether the balance of power were to be maintained in the same manner as it had been in former times, but whether it would be deranged by the success of France in her present invasion of Spain? Supposing the statement to be true, that, if the population of Spain were divided into eleven equal parts, ten of those parts would be found in favour of the present constitutional system, and only one opposed to it: supposing the statement likewise to be true, that the insurrections which now prevailed in that country were only caused by intrigues, and fomented by the money of France—could France derive any additional strength from the military occupation of Spain, even though the ports of Ferrol, Cadiz, and Corunna, were in her hands, seeing that she would have to keep perpetual watch over the ten parts of the population whose rights she had violated, and who from that very violation must be greatly exasperated against her? Indeed, he was prepared to go much further; he was prepared to contend, that the military occupation of Spain by France—instead of being such a source of strength to France as would disarrange the balance of power—would be to her a source of incurable weakness; and, instead of benefiting, would greatly tend to retard and paralyze her in all her future operations. He, therefore, maintained that, as far as the balance of power was concerned, there was not the slightest consideration of interests that could justify this country in precipitating herself into a war.

The hon. and learned gentleman had likewise referred to what this country had done in former times, in order to preserve that balance of power, in favour of which he had declaimed so warmly and so eloquently. Now, nothing could possibly be more inconclusive than these general references to history, in which all the peculiar circumstances of the case were not brought into consideration. The hon. and learned

gentleman had referred to the conduct of Queen Elizabeth, and had contrasted it with that of his Majesty's government at present, evidently intending to draw a contrast highly to their disadvantage and humiliation. Why, he would ask, did Elizabeth assist the Flemish subjects of Philip, in their endeavours to throw off their connexion with him? Not upon any abstract principle, but solely because it was conducive to the interests of England, which was a just and legitimate cause of war. They had been told, that in the struggle between Philip and his Flemish subjects, Elizabeth had ranged herself on the side of the latter, because she preferred appearing in the character of a champion for liberty, rather than in that of an ally of despotism. A reference to the history of that period would prove, beyond all dispute, that such a statement was nothing but romance. For, what was the period at which she first lent her assistance to the Flemings? It was not until the recall of the Duke of Alba—it was not until he had boasted that he had brought 18,000 subjects of Spain to a public death on the scaffold, in the midst of the most excruciating torments—it was not until he had taken Antwerp and Breda, and several other strong towns and fortresses—it was not until Don John of Austria had been appointed his successor, that Elizabeth made the slightest effort in their behalf. And what did she do then? She lent them £20,000, and sent them a small army, having first refused the sovereignty they offered her, and having received the possession of three towns, as a security for the loan which she had advanced. It was therefore, upon a view of the peculiar interests of England that she had acted—upon the same view, indeed, that his Majesty's government had recently acted, in refusing to involve this country in war, on account of the unprincipled invasion that France was now making upon Spain. (Hear, hear.) A similar spirit had influenced the government of this country in the instances to which the hon. and learned gentleman had referred in the reign of William III., and of Queen Anne; indeed, he might also add, still more recently, when we assisted Spain in counteracting the designs of Buonaparte. He alluded to that circumstance, because it had been stated in the course of the debate that the same principle of self interest which led us to assist Spain against Buonaparte, ought also to induce us to assist her at present against Louis XVIII. But he would ask, was not the danger infinitely greater to the safety of England, when Spain was attacked by a military despot, who had 500,000 men at his beck, and who three years afterwards marched into the north at the head of 600,000 men, though at that time Spain possessed a united population, than it was now when she was attacked by a Bourbon, with only a force of 100,000 men, though with a divided and distracted population?

He thought that the analogy between the two cases had totally failed, and he should therefore pass on to the observations which the hon. and learned gentleman had made upon our relations with Portugal. He contended, in opposition to the hon. and learned gentleman, that neither the faith of treaties, nor the consideration of our own particular interests, compelled us to undertake the defence of Portugal under the circumstances which the hon. and learned gentleman had stated. He would allow that we were bound to protect Portugal in case she were wantonly attacked by France. We had informed France of our obligations upon that head. We had received pledges from her that she had no hostile intentions against Portugal; and if France refused to respect her own pledges, thus sacredly given and repeated, then the House was bound by the amendment of his hon. friend, the member for Yorkshire, "to afford to his Majesty its most zealous and affectionate support in any measures which his Majesty may find necessary, to fulfil the obligations of national faith, to vindicate the dignity of his crown, or to maintain the rights and interests of his people." He maintained, that it would be enough, when the *casus federis* arrived, to lend to Portugal the assistance which we had stipulated to afford; and that it would not be consistent, either with prudence or sound policy, to pursue towards her the line of conduct which had been recommended by the hon. and learned gentleman.

He could not help thinking that much extraneous matter had been introduced into the present debate. The great question which had been submitted to the House was, the policy which his Majesty's ministers had pursued during the late important and complicated negotiations; and, in reasoning upon it, observations had been made, not so much upon that particular policy, as upon the general policy which

they had adopted for years past. He could assure the House that he did not intend to enter upon that wide field of discussion; he should limit himself to the question more immediately before it. And here he must observe, that the policy which we had to follow was of a three-fold nature: first, we had to maintain, if possible, the peace of Europe, without any compromise of principle on our part; next, if it were disturbed, we had to maintain peace as far as England was concerned; and lastly, which was, perhaps, as important a point as any, to maintain a mediatorial position between the contending parties, in order to afford them every opportunity of re-establishing peace with each other. On these points they were to be met by their opponents. And here he would ask, did those opponents propose an opposite line of policy? Did they, for instance, call for war? They themselves said they did not. So that the question was not so much a question of principle as of degree; and on this particular point—namely, whether the tone used in the negotiations had been sufficiently strong and dignified. That was the general, though he knew that it was not the universal, argument of the gentlemen opposite. The hon. member for Westminster, for instance, had declared himself the determined advocate for open and unqualified war—for a war of principles—for a war, as he termed it, of the principles of liberty against those of despotism. But he (Mr. Peel), for one, should deprecate the hour when England should enter upon such a war; and he trusted that upon such a war she never would enter. He certainly hoped that England would never be the advocate of despotism, whether directed against Spain or against any other country. He protested, and he strongly protested, against that doctrine maintained by what was called the Holy Alliance, of its right of interference with the liberty of nations, by the establishment of a sort of European police, for the prevention of the success of revolution wherever it might be found, and under whatever circumstances. He contended, as strongly as any man could do, for one exception at least from that doctrine—namely when the security of the state rendered such a revolution necessary; and he was prepared to argue that in the case of Spain that exception had certainly occurred. (Hear, hear.) It was, perhaps, incumbent upon him to declare his sentiments upon that point, as M. de Chateaubriand had taken an opportunity, in the French Chamber, of drawing a very erroneous conclusion from what he had formerly said upon it. It might, perhaps, be in the recollection of the House, that on the first day of the session he had stated, that he thought Austria quite justified in interfering to put down the revolution of Naples. That opinion, most undoubtedly, he had delivered—that opinion he was still ready to maintain, and without any feeling of personal interest in it, since he was not a member of the cabinet at the time when that question had come under consideration. The French minister had said that his Britannic Majesty's government had thought Austria justified in attacking Naples, and that therefore they must now think France justified in its attack upon Spain. He, however, disclaimed the right of drawing any such inference. He thought that there was a justification for Austria; but he could not see any justification whatever for the present aggression of France upon Spain. He conceived that there was a wide difference between the Neapolitan and the Spanish revolutions; though both, to a certain degree, arose out of military insurrections. He would not then enter into the minor points of difference, but would merely remind the House that at Naples the revolution appeared to be nothing more nor less than a military occupation of all the functions of government. The king proposed to give to the party demanding it a constitution in eight days; but that proposition by no means contented it. A mob was collected, and threatened to attack the royal palace if a constitution were not granted them in four-and-twenty hours. In consequence, a constitution was granted them—the Spanish constitution—for want, not of a better, but of another. Such being the case, Austria appeared to him to be completely justified in interfering to put down that revolution; especially as the dangers arising from it were not local, in consequence of the designs avowedly entertained by its authors of disturbing the existing arrangements of Italy, and of wresting from Austria those provinces which had been guaranteed to her by England and the other allies. He would ask, whether any such designs had been avowed by the chiefs of the Spanish revolution: or whether there were any similarity, except that which he had before stated, in the mode by which the two revolutions had been effected? The man who could assert that there was a similarity must have his judgment so

blinded by his enmity to the Spanish constitution, as not to be able to see correctly what was ever passing before his own eyes.

Besides the hon. member for Westminster, there was also another hon. member who was an advocate for war. But that hon. member (Mr. Robertson) was for a war of a peculiar character. He would not have a land war, but a naval war, and that, too, on a principle of economy. The hon. member to whom he alluded had said, "Since the hulks of your ships are liable to rot in your docks, and since they do not rot so much at sea, I would send them out to cruise off the coasts of France and Spain; since, in doing so, you will not be incurring much more expense than you are incurring at present." He might, perhaps, be inclined to agree with the hon. member, if, in a war between two nations, as in a quarrel between two individuals, either party were allowed the choice of weapons; but he thought that if we declared war against France, we should find it difficult to persuade her to consent to a war that should be conducted on so limited a scale. But, even if the hon. member should succeed in that object, what advantage could be gained by carrying on a maritime war for the establishment of a mere principle? He had heard or read of a certain king who was famed for taking maritime towns by detachments of cavalry; but never, since the existence of naval tactics, had he ever heard of such a ludicrous scheme as that of endeavouring to prevent the French from entering Spain, by means of a naval force.—It was said, however, that the war against Spain was at present unpopular in France. What would be the consequence of our taking part in it by waging a maritime war against French commerce, but to exasperate the French merchants, whose property would fall into the hands of our cruisers, and to turn the indignation of the French people against their rulers for engaging in the war with Spain, into rage and fury against us for unnecessarily, as they might suppose, becoming parties to it? What advantage could we derive, in a war for principles, from capturing Martinique, and from thus being enabled to throw an increased quantity of sugar into our market? Nay, he might also ask, what advantage would Spain herself derive from such captures?

The hon. and learned gentleman who spoke last, however, would not have had this country go to war; he would only have had her employ menace. Did the hon. and learned gentleman mean, if his menace had proved ineffectual, to enforce it? Such must be the hon. and learned gentleman's meaning; for surely he would never have had England condescend to act the part of a bully, and to submit to the disgrace of using threats which she was not afterwards prepared to carry into execution. He would then ask, did the circumstance of this country justify his Majesty's ministers in running so great a risk? He thought not. If honour and justice required a war, let us embark in it, heartily and openly, and fairly; but if not, let us not run a desperate risk which must lead either to national disgrace, or to a war which was not called for by either honour or justice. [Hear, hear.]

He would now proceed to the refutation of that part of the argument on the other side, which was intended to prove that a dignified tone had not been maintained by the British negotiator in the course of the late negotiations. A very studious and artful attempt had been made to confound the different periods of the negotiations; and the instructions given by Mr. Secretary Canning, in the first page of the correspondence, had been quoted to prove that, when France first declared her intention of attacking Spain, our language had not been so strong and vigorous as it ought to have been. The words of his right hon. friend "to any such interference, come what may, his Majesty will not be a party," used at the very outset of the negotiations, had been applied to events which had occurred three months afterwards, and had been quoted as the only remonstrance which we made to the French on their crossing the Bidassoa. The papers themselves furnished proof that this was not the case; and he, therefore, could not help complaining that such an assertion had ever been allowed to go forth to the public. It appeared to him that these negotiations were divided into three distinct periods: the first being the period between the assembling and the close of the congress; the second being the period between the return of the Duke of Wellington to Paris and the publication of the speech of the King of France; and the third included all the periods that had since elapsed. Any man who read the despatches for the purpose of criticizing them, ought in common justice to keep these three periods perfectly distinct from each other in his mind, and

to apply the language used during each of them to things as they then existed. He ought also to recollect, that at present we were wise by the result; and he should not forget, that the writer of them had to enter into a calculation of probabilities, with which at present we had nothing whatever to do. With regard to the object of the British government during the first of these periods, his right hon. friend, the chancellor of the exchequer, had properly observed, that it was to prevent the declaration from being made against Spain by the allied powers. Now, he would ask, whether such a declaration had been made or not? If it had not, how could it be justly said that the English negotiator had been duped? Indeed, what was the language used by France regarding these negotiations? Why, M. de Montmorency said, that the measures which the French government had contemplated for the amelioration of Spain would have succeeded if "England had thought she could concur in them." Here was, at least, a distinct admission on the part of France herself, that she did not consider her interests to have been forwarded by the part which England had taken at the congress at Verona. What was the opinion of Spain herself with respect to this very subject? An hon. member, on the previous night had alluded to the despatch of the Spanish minister, in which M. de San Miguel had said, "Will not England give effect to the opinion which she entertains?" At the moment when that despatch was written, Spain was not aware of the part which England had then adopted; but what was her language when she had been made acquainted with the course which this country had taken? On the 24th of December, M. de San Miguel had said, "We are sure of England, and satisfied with her position." Did that minister say that England ought to go to war? No such thing. But he pointed out the course which, if we followed, he thought would be most conducive to Spanish interests. He said, "There is nothing to induce us to ask for such a mediation at present; but we are at sea, surrounded by dangers, and menaced by storms, and it is impossible to say that we may not yet require a friendly hand." In what way was that friendship to be shown? Why; as mediators only. On a still later occasion, the language of Spain, whom we are accused of not having favoured, still continued the same. M. de San Miguel, in his despatch to Sir W. A'Court, of the 12th of January, said, "To England, who has taken in the conferences at Verona so moderate and pacific a line, it now belongs to crown the work, and to prevent an effusion of blood, which can be productive of no possible advantage to the interest of any nation." "To crown the work!" He wished the House to attend to the expression. Did they think that the Spanish minister would have made use of it if he had been dissatisfied with our conduct. If the testimony which he had already adduced upon this point were not considered sufficient, he would refer the House to that of the hon. member for Westminster, which would certainly have been more satisfactory, had he not confessed that he derived his information from a *laquais de place*—

Mr. Hobhouse disclaimed any such confession. His authority was derived from much higher sources.

**MR. SECRETARY PEEL.**—The hon. member had confessed that the opinion of the different persons attached to the different embassies at Verona, founded on the principles which had been maintained during the negotiations, was, that his right hon. friend (Mr. Canning) was a complete radical. Since that time, however, he had been blamed by the more ardent partisans of liberty, for having rather fallen short than gone beyond what they considered his public duty. The hon. member for Westminster had last night observed, that though there could be a thousand curves, there could only be one straight line. Now, by this straight line he thought that his right hon. friend had been fortunate enough to direct his conduct; for, if it had the reprobation of Siberian aides-de-camp on the one hand, and of the warm friends of liberty on the other, it amounted almost to a positive proof that he had done wisely in steering between the two extremes. He was therefore convinced that, after all that his right hon. friend had felt and suffered during these negotiations, he would have that evening the satisfaction of returning to his home, not only with the first of all rewards—the consciousness of having performed his duty, but with that reward which was certainly the next to it, the applause and approbation of that House. [Cheers.]

He had now finished his defence of the conduct of government, during the first of

the three periods he had mentioned, and should proceed to the second. In doing so, the right hon. gentleman vindicated the mission of Lord Fitzroy Somerset to Madrid against the censures which had been cast upon it; and contended that the advice which the Duke of Wellington had offered, through him, to the members of the Spanish government, was well calculated to promote its best interests. His grace did not propose to them to make any modifications in the Spanish constitution that were not clearly for its benefit and improvement. He would ask whether there were anything in the nature of those modifications to prevent their acceptance by Spain; or whether there were anything in the menace of the third power which made it imperative upon her to reject the changes proposed? What would have been the result if she had accepted them? The withdrawal of the army of observation from the Pyrenees, to the presence of which army there they attributed so much of her calamities. As, at that moment, the King of France's speech had not been made public, Spain might certainly have consented without any loss of honour; and by such consent she would have united her people, and ameliorated their condition, more than she could do by any subsequent measure. He admitted, however, that after the French king's speech, even such a modification could not have been submitted to Spain with propriety. But was it not too much that England should be made responsible for an entire change in the policy of the French government? Those who agreed with ministers that a war ought not to have been entered into, and were yet inclined to criticise the papers, were bound to apply that verbal criticism to the periods to which they referred. But was it upon mere verbal criticism that the House of Commons would decide the great question now submitted for its consideration. What would be the consequence of adopting the resolution proposed by the hon. mover of the address? Would it not be felt throughout Europe as a condemnation of the line of strict neutrality, which it is the policy of England to adopt? The House had been told recently that the decision which it had come to a short time ago for an adjournment would be misconceived both in this country and on the continent. If that were so, how could the grounds of the determination of the House on the present question be hoped to be correctly known? The House might depend upon it, that Europe would look to the numbers alone; and if the resolutions were adopted, it would be concluded that the House of Commons condemned the policy of neutrality, and were the advocates of war. It was not only for these reasons that he thought the House ought to adopt the language of the amendment, and assure his Majesty, that when a case occurred which should require it, the House would at all times be ready to adopt such measures as were necessary to maintain the national faith, and support the honour of the Crown; but more especially because he thought the policy of neutrality was that which England ought to pursue, and which would maintain for her that peace which, though not essential to her existence, yet, after the derangement of her internal affairs, and the sufferings consequent on a war of five and twenty years' duration, was the system which it was infinitely the best for the country to adopt.

Sir Francis Burdett having followed Mr. Peel at considerable length, the debate was further adjourned to

APRIL 30, 1823.

At the end of a long third night's discussion, the House divided: for the amendment, 372; against it, 20; majority, 352.

In the early part of the same evening Mr. Grey Bennet rose, pursuant to notice, to move for leave to bring in a Bill to abolish

## PUNISHMENT BY WHIPPING.

Mr. Curwen seconded the motion.

Several hon. members having briefly delivered their sentiments,—

MR. SECRETARY PEEL said, that all the information he had been able to collect on this subject, led him to think that the abolition of the punishment of whipping for minor offences would be a dangerous experiment. If the principle of the hon. mover were well-founded, they ought not to stop here; but the punishment of flogging in public schools ought to be abolished by act of parliament. It was peculiarly incum-



bent upon those who advocated the necessity of mitigating the severity of the penal code, in respect to capital punishments, to beware of rendering such an experiment impracticable, by narrowing too much the scale of minor punishment. For his own part, he had always been friendly to the punishment of whipping, when exercised within salutary limits; and upon looking into the records in his own office, he had not been able to find a single instance of abuse for the last seven years. Solitary confinement was, in his opinion, a much more rigorous punishment, and one which was much more likely to break the spirit, than moderate whipping. There were some instances of offences in young delinquents of a nature so flagrant, that no other punishment seemed to have any effect upon them. He would notice but one, and that was the case of a youth of 14, who had been guilty of four thefts, even in the prison in which he was confined. He thought that, for the proper administration of justice, the continuation of the punishment was necessary.

On a division, the motion was negatived by 70 against 37; majority 33.

### CASE OF CONSCIENCE.

MAY 8, 1823.

In a committee of the whole House, to inquire into the conduct of the sheriff of Dublin, who stood charged with having improperly empanelled a grand jury, a question arose as to the right of the House to dispense with the obligation of a grand juror's oath, for the purpose of public justice; when—

MR. SECRETARY PEELE observed, that the question was one of very great difficulty. No man felt more strongly than he did the necessity of granting to the House the most extensive power for carrying on an inquiry of this description, and no man was more ready to admit that they were not, in their proceedings, to abide by the rules of a court of justice. There was, he conceived, only one case to which their authority did not apply, and that was the present case precisely, which was one of conscience. First of all, they placed individuals in a situation in which they were compelled to do certain acts. The grand jurors were obliged to take an oath, "not to divulge their own counsel, the king's counsel, or the counsel of their fellows," and then the House turned round and demanded of them to violate that oath. Was there, he would ask, any power in that House to release men from so solemn an obligation? Or, if there were, was it prudent, when the force of such an obligation depended altogether on conscientious feelings, to compel men to act in contradiction to those feelings. Might not the members of the grand jury appeal, on this subject, to a higher authority than that of the House of Commons? Might they not appeal to the authority of the whole legislature? In 1819, that House was party to an Act having for its object the regulation of Irish grand juries. Gentlemen knew that the grand juries of Ireland had two distinct functions to perform—those of finding bills, and of money presentments. By the Act of 1819, grand juries were allowed to divulge matters relating to presentments; but the other part of their oath, with reference to the concealment of evidence given on bills of indictment, remained binding on them. This plainly showed the light in which the legislature viewed the subject. Every grand juror swore to conceal the evidence given before him, "So help him, God," or, in other words, he said, "may the divine protection be withheld from me, if I disclose what is stated in evidence." Could that House compel him to divulge that which he had thus impressively sworn to conceal? Suppose the House thought they could do so, and the individual answered, "I know not what your construction may be, I feel myself bound by the oath which I have taken, and no interpretation of others shall induce me to violate it," suppose the witness made such an answer, would the House commit him? In that case, the conscientious observer of an oath would be committed, because he entertained a religious abhorrence of its violation. A commitment on such a ground, would be the worst exercise of that power which belonged to the House in cases of ordinary contumacy, and he doubted very much its policy. If they were not prepared to commit a witness who was convinced that no power on earth could relieve him from the sanction of an oath, then they ought to consider whether they must

not leave it to the witnesses whom they called, to determine whether they would answer or not. There could be no other alternative, and the House ought to pause before it placed itself in that situation.

Towards the close of a protracted discussion,—

MR. PEEL observed, that the committee had, in fact, nothing to do with the grand jury but as its conduct implicated or acquitted the sheriff. He saw no reason why it should not proceed with other parts of the inquiry, regarding which all were agreed, and postpone this question respecting the grand jury, until it should be found necessary to decide it.

The committee accordingly proceeded.

## IRISH INSURRECTION ACT.

MAY 12, 1823.

Mr. Goulburn having moved, "That leave be given to bring in a Bill to continue the Irish Insurrection Act for a time to be limited," Lord Althorp moved, by way of amendment, "That it is the opinion of this House, that the coercive measures which have been repeatedly adopted since the Union, have failed to secure tranquillity in Ireland, or to better the moral condition of the people; and that no solid improvement can be expected from a continuance of the system of compromise acted upon in the government of that country, strengthened as it has been by such temporary expedients; but that it is absolutely necessary to take into serious consideration the whole system of the laws, and of their administration, with a view to such a reform as shall secure the permanent peace of the country, and the equal constitutional rights of the people." If this amendment should be carried, he would then submit to the House the following resolution:—"That this House, while it looks only to a permanent remedy in a revision of the whole system of measures by which Ireland has hitherto been governed, feels itself called upon to arm the executive government with all such temporary powers as may be necessary to suppress the present existing spirit of insubordination, which is daily producing such alarming outrages and daring violations of the law in that portion of the empire."

In the course of the discussion which ensued,—

MR. SECRETARY PEEL said, there were two propositions before the House—that for the continuation of the law, and the amendment. Besides these, there were the recommendations of his noble friend (Lord Ennismore) who spoke last but one. He would defend that noble lord from any personal imputation, in consequence of the proposal which he had made; but he could not accede to that proposal. He would not have the coercion, enforced by this act, either increased or diminished. He considered it under existing circumstances a necessary measure; but, at the same time, he regarded it only as a temporary one. He thought that martial law should not be introduced but under the most urgent circumstances; and he therefore deprecated all allusion to it. It was beneath the dignity of parliament to hold out threats which it did not mean to put in execution. It had been complained on the other side of the House, that government had resorted to measures of coercion for the last twenty years. He would appeal to every candid man, whether every measure which had been suggested for the relief of Ireland had not been attended to with the utmost anxiety. It had been alleged that partiality existed in the appointment of sheriffs. The first act of the administration with which he was connected, had been to assimilate it as much as possible with the practice of England. Similar measures had been taken with respect to grand juries, the powers of which were said to be abused. The illicit distilleries were, at another time, alleged to be the cause of some of the disturbances. This had been partly remedied by the consolidation of the exchequers, and would be still further relieved. He sincerely believed that most of the evils which at this moment disturbed Ireland sprang from the maladministration of the common law of the land. So highly did he think of that law, that he had no doubt if it were vigorously and impartially administered, there would be no necessity for recurring to other means. It was for this reason that he wished to see the magistrates aided by an active and responsible body of police. The deficiency of magistrates had also

been alleged as one cause of the disorders. This, too, had received the attention of the government. The lists of the various counties had been made out, for the purpose of revising them, and this work was now going on alphabetically. Believing that early intercourse between Catholics and Protestants, and their receiving the same education, without any reference to religious differences, would have a happy effect in allaying discords and dissensions, he had, when he was in Ireland, endeavoured to form a society for this purpose: That endeavour had been to a certain extent successful; and unless he were misinformed, a sum of £9,000 had been this year added to the available funds of the society. Thus he had attempted to show the House that every measure, with the exception of Catholic emancipation, had been tried for the purpose of ameliorating the condition of Ireland. Did the noble lord think that the inquiry which he suggested could lead to any practical result? The extension of education in Ireland, and the improvement of the linen-trade, were doubtless important objects; but would it be desirable to take them into consideration together with twenty other things at the same time? The House had a very fair specimen of Irish inquiry in the one which was now going on relative to the sheriff of Dublin. If that inquiry had taken up so much time, what would the House say to an inquiry into the whole of the laws of Ireland, and the manner of their administration? With regard to Catholic emancipation, if it could be proved to him that it would cure all the evils of Ireland, he would accede to it; but he well knew that it would not have that effect, unless something were granted to the Catholics, which he was not prepared to concede. If the Protestant religion were to be maintained in Ireland, as the religion of the state, then Catholic emancipation would not be the basis of tranquillity. It might produce further contention; but it would not produce safety. He had heard that emancipation would not satisfy the Catholics, without a change in the mode of supporting the Catholic clergy. He hoped, however, that the Protestant religion would be maintained. He should be sorry to see the Catholic established religion of Ireland. At the same time, he would not wish for any thing which would be hurtful to the feelings of the majority of the people. He would propose a strict administration of justice, and the preservation of their rights, both to Protestants and to Catholics. He trusted he had shown that Catholic emancipation would not tranquillize Ireland any more than the other measures which had been proposed; and that as under the present circumstances of the country the Insurrection Act was absolutely necessary, so it would be continued.

The House divided: for the original motion, 162; for the amendment, 82; majority, 80.

## IRISH TITHES COMPOSITION BILL.

MAY 16, 1823.

In a debate which arose on the order of the day for going into a committee on this bill,—

MR. SECRETARY PEEL said, that his right hon. friend (Mr. V. Fitzgerald) and his hon. and learned friend who spoke last (Mr. Wetherell,) agreed in nothing but in their desire that the bill should be withdrawn for the present session. He must, however, protest against the postponement of the measure, because he was satisfied that no additional information could be obtained thereby. The argument of his hon. and learned friend went to prove, that no commutation could be effected without danger under the auspices of the government, and yet his hon. and learned friend had declared, that he should have no objection to a commutation of potato tithe. With regard to the compulsory clause, it was not necessarily connected with the bill, and if the House should hereafter be of opinion that it ought to be omitted, the remaining parts of the bill might still be beneficially carried into effect.—The right hon. gentleman entered into a variety of details with regard to the mode of collecting tithe in various parishes in Ireland, with a view of showing the practicability of an amicable adjustment between the clergy and their parishioners. He approved of the plan of appointing parochial commissioners; for it was impossible that the government could efficiently discharge the duties which would devolve upon the commissioners,

from a want of local knowledge, and their limited acquaintance with parochial details. If this measure should not produce universal harmony and conciliation, much substantial good would, he believed, be effected by it. He therefore gave his cordial support to the motion for going into the committee.

The bill was accordingly committed *pro forma*.

## RIGOUR OF OUR CRIMINAL LAW.

MAY 21, 1823.

Sir J. Mackintosh, at the close of a speech of great length and ability, moved the following:—

1. "That it is expedient to take away the punishment of death in the case of larceny from ships, from dwelling houses, and on navigable rivers.

2. "That it is expedient to repeal so much of the statute 9 Geo. 1, commonly called the Black Act, as creates capital felonies, excepting the crimes of setting fire to a dwelling-house, and of maliciously shooting at an individual.

3. "That it is expedient to repeal so much of the statute 26 Geo. 2, c. 33, commonly called the Marriage Act, as creates capital felonies.

4. "That it is expedient to repeal so much of the statute 21 Jac. 1, c. 26, relating to fines and recoveries; of 6 Geo. 2, c. 37, relating to cutting down banks of rivers; of 27 Geo. 2, c. 15, relating to threatening letters; of 27 Geo. 2, c. 19, relating to the Bedford Level; of 3 Geo. 3, c. 16, relating to Greenwich Pensioners; of 22 Geo. 3, c. 4, relating to cutting serges; and of 24 Geo. 3, c. 24, relating to convicts returned from transportation, as subjects persons convicted of the offences therein specified, to the punishment of death.

5. "That it is expedient to take away the punishment of death in the cases of Horse Stealing, Sheep Stealing, and Cattle Stealing.

6. "That it is expedient to take away the punishment of death in the cases of Forgery, and of uttering forged instruments.

7. "That in the case of all the aforesaid offences, which are not otherwise sufficiently punishable by law, the punishments of transportation for life or years, or of imprisonment with or without hard labour, shall be substituted for death, in such proportions and with such latitudes of discretion in the judges as the nature and magnitude of the respective offences will require.

8. "That it is expedient to make provision that the Judges shall not pronounce sentence of death in those cases where they have no expectation that such sentence will be executed.

9. "That it is fit to take away the forfeiture of goods and chattels in the case of Suicide, and to put an end to those indignities which are practised on the remains of the dead, in the cases of Suicide and High Treason."

The above resolutions having been read, and the first of them put from the chair,—

MR. SECRETARY PEEL arose. He began by reminding the House of the extent to which the resolutions, nine in all, went; namely, at once to do away with capital punishments, in a great variety of offences to which those resolutions referred. The first suggestion which he would make to the House upon them would be this:—were they not of sufficient importance to require a distinct and separate consideration, and whether the hon. and learned gentleman ought not to have taken the ordinary course of asking leave to bring in a bill upon each of the divisions of his resolutions, rather than have had recourse to the mode which he had taken? For only let the House consider into what inconveniences it might be drawn. By assenting to the resolutions of the hon. and learned gentleman, it would affirm all the propositions laid down in them; and if it allowed a bill to be brought in pursuant to those propositions, the result might be, that finding the bill not worthy of being supported throughout, it would feel itself compelled to abandon it. While the resolutions professedly followed the report of the committee on criminal law, it took in cases not referred to in that report. There was the offence of sheep, cattle, and horse stealing, not referred to in the report, in which the resolutions proposed to do away the capital punishment. That the hon. and learned gentleman had been misled by the report was plain; and

being so misled as to facts and cases wholly omitted in that report, which he made without any notice given to the House of the objects of his resolutions, was it fair that they should be called on to give a distinct opinion upon so many important alterations of the law? Suppose the House to affirm the resolutions that night, and afterwards to find themselves unable to assent to the bills brought in pursuant to them, would not that be an inconvenient situation for the House to be placed in? Was there nothing inconvenient in the rejection of a bill brought in to remedy defects, which, as the Journals of the House would show, had been fully and clearly admitted? He would show, that as this course was the most inconvenient which could be taken, so his objections to it were most sincere. When the hon. and learned gentleman proposed, in the last session of parliament, that the House should pledge themselves to this reformation of the criminal code, he had opposed it, because he thought that experience had done enough to convince them of the inconvenience of entering into any engagement as to what would be the conduct of a future session; and what had since passed had not tended to weaken the impression. When he opposed himself to giving that pledge, he proposed to take into consideration the whole question of the criminal laws, and to have the alterations projected stated specifically to the House. That was a pledge which he was now ready to redeem. He conceded the proposition of the necessity of some amendment. There could be no necessity for him and the hon. and learned gentleman to debate that point. The real question between them was only as to degree. At a very early period of the session, he had acquainted the hon. and learned gentleman, that he was ready to state the views of his majesty's ministers, or even to originate the measure by which those views would have been carried into effect; but, as the hon. and learned gentleman had brought forward the measure, he was unwilling to take it out of his hands.

Before he went into the detail of what his majesty's ministers intended to propose, he would briefly advert to one or two of the topics in the speech of the hon. and learned gentleman. One of the hon. and learned gentleman's greatest objections to the present state of the law was, the disproportion of convictions and executions, and he seemed to think a more fixed proportion between offences and their punishments indispensable to the proper administration of justice. Now, if he meant so to apportion punishments that certain crimes should be equitably visited with certain degrees of punishment, which should always be carried into execution, undoubtedly the hon. and learned gentleman would meet with perfect disappointment in his pursuit of that object. He was ready to allow, that the law was not perfect. He was not such an advocate for the existing law as to say that there was not upon the Statute book any clause which ought to be altered; but neither could he agree with those who thought that the whole criminal law of England was faulty. It would, in his opinion, be impossible to establish any code of laws which would prevent the necessity of a discretionary power on the part of the executive; and in proof of this, he would request the House to look at those crimes which the hon. and learned gentleman had not intended to touch. One of these was the crime of arson, a crime of no common enormity. There had, in the sixteen years preceding the year 1820, been sixty-five cases of capital convictions for that crime; and yet the number of executions had only amounted to 31. Here was as aggravated a crime as any which could be perpetrated; so atrocious in its nature, that the hon. and learned gentleman would not venture to remove the capital punishment; and yet the executions did not amount to one-half of the convictions. There was the offence of shooting, stabbing, and poisoning, with intent to kill. What more aggravated offence could be named? An offence of so dark a character, that the hon. and learned gentleman refused to exempt it from capital punishment. In sixteen years there had been 189 convictions, and only 58 executions—not the proportion of one-third. This was a proof that the executive felt itself obliged to consider the circumstances narrowly, and apply the punishment accordingly. Another crime left untouched by the hon. and learned gentleman was that of burglary. Of this there had, within the 16 years alluded to, occurred 2409 cases of conviction, of which 239, or somewhat less than one-tenth had suffered the punishment of death. Taking the whole of the most aggravated offences, arson, burglary, murder, rape, there had not, within the sixteen years to which he had alluded, been one execution out of every ten convictions. Would it be fair, then, to take away the discretion by which these punishments had been thus apportioned; or

could they hope to make a law so precise in all its provisions as to substitute it with effect? He would refer them to the sentiments of Mr. Burke, respecting the capital executions which were about to take place in 1780. It was curious to see what numberless grounds that great man urged for exercising mercy, which yet were no good grounds in law. He was pleading for the rioters of 1780, in a letter to Sir Grey Cooper, and he particularly advised a selection of cases. He did not quarrel with the punishment of death. He admitted that there must be executions, and recommended that they should not exceed six in all. His first ground was, that the chief delinquents had escaped: his second, that those convicted were, in the main, ignorant of the law, which, though the law itself needed not therefore justification, must be held as a great and powerful argument in favour of extending mercy. His third ground was, the remissness of government on the occasion, and the absolute impunity which attended, but a little while before, similar outrages in Edinburgh. Now, which of all those contingencies could have been anticipated in the framing of the laws by which the rioters were punished? The fourth ground was one, which it was still less possible for the legislature to have contemplated. It was the conduct of the lord mayor, who, as Mr. Burke said, was not only remiss, but was himself an active accomplice in the riot. That great and wise man felt convinced that the integrity of the law might be preserved, and yet the merits of individual cases be duly considered, and their punishments meted out to them accordingly. He urged other considerations: the vast concourse concerned—that the convicts were not the ringleaders or principals in the riots—their youth and sex, and even the high state of intoxication in which some of them were taken. He (Mr. Peel) adduced this to prove the difficulty of taking away the discretion of the judges, and to do away any suspicion of the deficiency of the laws, inferred from the disproportion between the number of convictions and of executions.

The hon. and learned gentleman had adverted, not very fortunately, to the opinion of foreigners upon this circumstance in our laws, and wrongly imagined that they would infer a disposition to barbarity which the tribunals would not dare to put in execution. Now it happened, that the very case had occurred, and had been remarked upon by no less an authority than Montesquieu, who had said, that in those countries where robbery was inevitably punished with death, murder was its certain accompaniment. In China robbery was always punished capitally. The consequence was, that robbers always endeavoured to cut off by assassination, the persons who were most likely to convict them. In Muscovy, the same writer observed, there was a distinction taken by the law, and there were fewer murders. In England it was the same; and the remark of Montesquieu was, that the discretionary application of the punishment, *lettres de grace*, as he called them, stood in the place of the distinction of the law in Muscovy; and the general inference he drew was, that in absolute states, there must be equal punishments unerringly inflicted, and then the laws were upheld by their uniform terror. Whereas in moderate states, as in that of England, where the robber might look up to the grace of the sovereign if his offence were not aggravated, it was found that he did actually reckon upon that mercy, and acted on it, and so murders were not done. Here was an illustrious foreigner who, so far from objecting to the discretions left in the application of the chief penalty, actually approved of it in moderate governments. He could not after this, be expected to concur with the hon. and learned gentleman in his view of the question. There was another point to which he would advert. The hon. and learned gentleman said, that with regard to horse-stealing, he would not leave the law in a vague and uncertain state, because, wherever any part of the country was in alarm on account of offences of this sort, the culprit would certainly be hanged, and in other places, where there was no such common dread to actuate them, the judges were very likely to remit the chief punishment. Why, this seemed to him to be the very principle of sound law. It might be hard to say to a man, that his life should be valued at a particular rate, depending upon local or temporary expediency. But this was the very reasoning upon which law was founded. On what other ground could they pretend to inflict capital punishments? It was not that they, in the deficiencies of human nature, were able to determine that which could only be effected by a tribunal above—the exact degree of moral turpitude attached to each particular offence. But while mankind were constituted as they were, having to struggle with all the imperfections of

their senses, this was the last mode which legislation could devise for the preservation of civil order.

He would now come to the specific propositions of the hon. and learned gentleman, and show how far he was able to concur in his views. He would take the divisions of the report of the committee of 1819, in preference to those in the resolutions. In the report, there were four divisions of cases. The first was of the cases of crimes recommended by the committee to be left as misdemeanours at common law. Of these there had been 12 liable to capital punishment; four out of this number had been already repealed, and he proposed to do away with the capital punishment in the other eight. Most of them were crimes made capital by the Black Act. He admitted that it would be advisable to secure a better sanction for the law, by removing those penalties which could hardly ever be enforced. The second class consisted of offences of so malignant a nature, that if they actually occurred, nothing less than death could atone them. The next case was that of acknowledging and assisting in obtaining a fine, and recovery; the next, helping in the recovery of stolen goods; the next, maliciously killing or wounding cattle—an offence of a highly aggravated character, and of very unfrequent occurrence. He thought this last one peculiarly well calculated for the experiment proposed. The malignity which impelled to such a deed, no doubt, deserved death; but it might be better to add to the solemnity and efficacy of the laws by repealing it. In sixteen years, there had been only two convictions for this offence. It was a crime difficult to prove: it was necessary to prove malice against the owner of the cattle, when it was obvious that there were many safe modes of doing him much more mischief open to such malice. The next case was that of cutting down trees, in which, in sixteen years there had been but two convictions and one execution. The punishment might be changed to transportation. If offences should be found to multiply in consequence, it was only for the House to reconsider the question. With regard to No. 8, in this second class, he could not help regarding it as a strange anomaly. It awarded the punishment of death for the cutting down of the banks of rivers. Now, he had looked into sundry canal bills, to the number of fifty or sixty, and in not one of them had it been thought necessary to insert a clause making the cutting down of banks a felony; and yet canals were, from their nature, their use, and the situations in which they were made, much more hazardous than the banks of rivers. Canals were made in high grounds, where, upon the bank being cut, an inundation might be the consequence; whereas, rivers, from their position, in the lowest parts of the districts through which they passed, could be productive of no such dangerous result. At any rate, the law ought to be equal; and certainly, the smallest penalty ought not to attach to the highest degree of offence. The Bedford Level Act felonies were fit subjects for repeal, however proper they might have been at the time of their enactment. Sending threatening letters was another case in which the law was anomalous. A man might charge another with the grossest crimes, to extort money, and it was only a transportable offence; whilst sending directly for money, or venison, offences made capital by the Black Act, was made punishable with death. There could be no reason for this, and the law should be equally applicable to both. The personating of Greenwich pensioners was another capital felony which should be repealed. The agents of government ought to be sufficiently cautious in money concerns to render the punishment of death unnecessary. The last case on which he proposed alteration, was the cutting of serges, in which the capital punishment should be remitted. In acknowledging and proving a fine and recovery, making false entries in register-books, and helping to the recovery of stolen goods, the penalty of death should be remitted. He next came to the cases of larceny. The stealing privately in shops, and the stealing on navigable rivers, and on canals, he was inclined to think, might be properly the subject of experiment, and that as to them, the capital punishment might be remitted. The most material of all the cases of larceny was, the stealing in a dwelling-house to the amount of 40s.; and as he could not class this with the other offences of the same name, he was not prepared to say that as to this there ought to be any alteration of the law. There were, within the latest periods, too many proofs of the progress of that offence, even under the most aggravated circumstances, of confidential servants robbing their masters to a very large amount. "The law of England," said Justice Blackstone, "has so particular and tender a regard to the immunity of a man's house, that it

styles it his castle, and will never suffer it to be violated with impunity: agreeing herein, with the sentiments of ancient Rome, as expressed in the words of Tully—*‘Quid enim sanctius, quid omni religione munitius, quam domus uniuscujusque civium?’* He was not therefore prepared to remit the capital sentence in cases of larceny in a dwelling-house. On reference to the returns, it would appear also, that the number of executions for this offence had been increasing. Instances there had been of servants who had robbed their masters of the whole of their property. This was a crime of a most dangerous tendency in a commercial country, and subversive of that confidence which ought to subsist between the master and the servant. —He was fully aware of all the arguments arising out of the unwillingness of prosecutors and witnesses to come forward; but he thought that inferences much too wide had been drawn from that circumstance. The trouble of attendance, and the expenses of the prosecution, were circumstances which pressed on the minds of prosecutors, and must have no inconsiderable share in producing that disinclination to prosecute, the whole of which was attributed to the severity of the law. Again, as to the frequent findings of juries, that goods of the actual value of £40 or £50 were of the value of 39s. only. The hon. and learned gentleman argued on that, as the effect of humanity overpowering the regard which the juror ought to have to his oath. But in the evidence, the answer of Mr. Shelton to a question which involved the whole of the subject, accounted for many of those findings. That gentleman stated, that often when property was stolen, perhaps to a very large amount, it might not be possible to prove that the whole was stolen at one time, and therefore the finding of the jury was in such cases correct. As it was notorious to prosecutors, to witnesses, and to jurors, that if there were no aggravating circumstances in the case, the law would not be carried into effect, he did think that this answer of Mr. Shelton truly explained the great majority of the cases alluded to. As in the whole of these cases of larceny, it appeared there was no difference except in the single instance of stealing in dwelling-houses to the value of 40s., he could not arrive at the conclusion, that the capital punishment ought to be remitted.

The only other class of offences was that of forgery, on which he was certainly not prepared to bring in any bill to alter the law; and he thought the hon. and learned gentleman had laid too much stress on what he had stated as the authority of the House on this subject; for it should be recollected, that the bill to which he had alluded was rejected by a majority (certainly not a large one) on the question of its being read a third time. He (Mr. Peel) had certainly not come to the House with any prejudice on the subject, but the speech of the hon. and learned gentleman himself had convinced him that no alteration of the law which awarded the punishment of death in cases of forgery was desirable. He had come to that conclusion from the great number of exceptions which the hon. and learned gentleman had himself thought necessary: and from that moment he was convinced that it was not expedient to pass any general law to mitigate the punishment of death in the case of forgery. This was the less necessary from the great diminution of executions. In the year 1822, there had been in England and Wales, only six executions for the offence of forgery; and this he thought might be urged as some compensation for the other evils which had attended the return to cash payments.—With respect to the stealing of horses, sheep, and cattle, he was decidedly of opinion that it would be unwise in the House to fetter itself now with any resolutions on the subject. The same observation he would also apply to suicide. These appeared to him much too important to be thus incidentally disposed of, and were well worthy of a separate measure. He was prepared to bring in bills as to the three branches of larceny to which he alluded; or if it were the wish of the hon. and learned gentleman to introduce them, to concur with him most sincerely as to that reformation of the criminal code. It was also his intention to propose a measure which would go to relieve the judges from passing sentences in those cases in which it was not likely the law would be carried into execution. There occurred, perhaps, forty or fifty cases of crimes of every different shade, for which, at the end of the sessions, sentence was indiscriminately passed. It was desirable to preserve the distinction between crimes, and not to lower the effect of the solemn sentence of the law by this indiscriminate application of it. The measure which he should propose would not be any invasion of the prerogative of the Crown, as the judges would only be required to enter the



sentence on the record on which doubt might arise.—On the subject of increasing the efficacy of secondary punishments, it might be observed, that at present we had transportation to Botany Bay, but that from change of circumstances in the colony, it was now extremely difficult to make a punishment of sufficient severity. As to the hulks, though abuses might have heretofore existed, he was, from a full consideration of the subject, assured, not alone, that these abuses had ceased, but that such a system of punishment, operating in confinement and labour on the public works, had, as far as it went, a beneficial tendency. There were at present 3,000 persons confined in that way. Considerable improvements had taken place in the management of our gaols; but though the efficiency of the tread-mill was acknowledged, yet it was not a species of punishment to be applied for fourteen years. There was another species of secondary punishment which he thought might be very efficacious to the suppression of crime; namely, a combination of hard labour and expatriation to some of the colonies, the Bermudas for instance, where public works were carrying on. With that view, it was his intention to propose a bill which would get rid of banishment, as the law now stood, and substitute expatriation and hard labour in some of the colonies.—He had now stated the various points on which he differed, and on which he concurred, with the hon. and learned gentleman. He had stated his intentions so far as they agreed, either to originate measures, or to concur in those which the hon. and learned gentleman might propose. As, however, there remained others on which they disagreed, it was his intention to propose the previous question on the first resolution, leaving it open to the hon. and learned gentleman to propose, if he thought proper, separate measures for those parts of the question on which they differed.

Sir J. Mackintosh, in reply, having persisted in taking the sense of the House upon his first resolution, the House divided on the previous question, "That the question be now put:" ayes, 76; noes, 86; majority, against Sir J. Mackintosh's motion, 10. The other eight resolutions were also negatived.

## CASE OF CONSCIENCE.

MAY 26, 1823.

The House having again resolved itself into a committee, to inquire into the conduct of the Sheriff of Dublin, Sir Robert Heron in the chair, Sir Abraham Bradley King, Bart., was called in, and examined by Sir J. Newport. In the course of his examination, the following question was put:—"In what book, chapter, and verses of the Old Testament, are the passages to be found, which are read to an Orangeman on his initiation?"

MR. SECRETARY PEEL said, he wished to call the attention of the House to this question. The committee had decided, by a majority of 72 to 19, that it was not desirable to press a question which the witness would refuse to answer, as being under the obligation of an oath not to disclose. The question now put was just leading to a similar discussion to that of Friday, and taking the House over the same ground. His opinion was, that the question ought not to be put; because he did not think it at all pertinent to the inquiry before the committee. Undoubtedly, if the question was shown to be necessary, it was one which the House had a right to put, and to enforce an answer; or to take those steps which were usual on such occasions; but, if the committee should be of opinion that the question was not necessary, it ought not to allow it to be put, and the less so, as it must lead to a result than which nothing could be less calculated to tranquillize Ireland. Nothing, in his opinion, could tend less to tranquillize that country than the sending the witness at the bar to Newgate. The right hon. baronet wished to know what were the secret signs and symbols of distinction between one particular denomination of Orangemen and another. But the right hon. baronet had not shown how the answer to that question, if it were answered, could bear upon the inquiry. If it were put for the purpose of tending to suppress such societies, it was unnecessary; because there was a bill then in progress through the House by which all societies, having secret signs and symbols, and secret meetings, were to be declared illegal. It could not be necessary for showing what was the conduct of the grand jury or the sheriff,

because there were other means by which the right hon. baronet could come at information on those points, which were really the only points to which the committee ought to direct its attention. It was for these reasons that he was anxious the House should decide now, that the question was one which ought not to be put.

Late in the discussion, Mr. PEARL objected to any question being put for the purpose of extorting disclosures as to indifferent symbols or signs adopted by the Orangemen; but if the right hon. bart. had been informed that there were any verses from Scripture relating to extermination read to the party taking the oath, he should not consider this an indifferent matter, and he should not therefore object to putting any question relative to such passages.

Finally, the motion for putting the question was negatived by 117 against 87, majority, 30.

## BRITISH ROMAN CATHOLICS' TESTS REGULATION BILL.

MAY 28, 1823.

Lord Nugent having moved—"That leave be given to bring in a bill for regulating the administration of Tests and Qualifications for the exercise and enjoyment of offices and franchises,"—

MR. SECRETARY PEARL said, he had, on a former occasion, expressed himself not unwilling to consent to a measure for taking into consideration the propriety of placing the Roman Catholics of England on the same footing as those of Ireland. Consistently with that declaration, therefore, he felt himself bound to admit the first proposition of the noble lord for leave to bring in the bill. He made this concession, not merely in consistence with that declaration, but because he felt it to be reasonable that the measure should at least be fairly considered. The noble lord had adverted to three points, in which the Roman Catholics of England stood in a different situation from those of Ireland; the elective franchise, the magistracy, and admission to office. With regard to the elective franchise, he allowed at once that he was willing to admit the English Catholic to that privilege. He had always considered the distinction taken by Mr. Burke between the elective franchise and admission to office, as sound and judicious. In a speech on the subject of the Catholic claims, Mr. Burke said, that if the Roman Catholics were admitted to the right of voting for members of parliament, it did not necessarily follow that they should be admitted to office. He must observe, that the noble lord would find some difficulty in placing the Roman Catholics of England and Scotland on the same footing, because by the act of Union the Roman Catholics of Scotland could not exercise the elective franchise. He was disposed, after mature consideration, to admit the Roman Catholics of England to the same privileges with regard to voting, as the Roman Catholics of Ireland; but he should strenuously resist their being themselves elected. In this respect they would stand in the same situation as the clergy, who were qualified to elect, though they were disqualified from sitting in that House. The right hon. gentleman proceeded to advert to the abuses of the elective franchise in Ireland, where the system of fictitious voting conferred no advantage whatever on the wretched individuals who were brought forward solely for the purpose of supporting the political influence of their landlords. It must be admitted, that the state of England was so entirely different from that of Ireland that if the granting of the elective franchise in Ireland had, in some respects, been attended with mischievous consequences, the same danger could not fairly be inferred in England, where the minority of Catholics was notoriously so small. With regard to the magistracy, he agreed with his hon. friend, the member who spoke last, that it might be advisable that Roman Catholics should be associated with Protestants in the exercise of magisterial duties. On the question of admission to offices he begged leave to reserve himself. He should not object to making English Roman Catholics eligible to the same subordinate offices to which Irish Roman Catholics were admissible, provided they were placed in no better situation than Protestant Dissenters. If it were the object of the noble lord to open the same offices to them as to the Catholics of Ireland, subjecting them, in the same manner as Protestant Dissenters, to the operation of the annual Indemnity Act, he should

not object to such a measure. If it introduced no new principle which might furnish an argument for further concession to the Roman Catholics of Ireland—if it introduced no relaxation of the Corporation and Test Acts, or alteration of the existing law with regard to Protestant Dissenters—he should be disposed to accede to it. All these points involved details which would properly come under consideration in a future stage of the bill. He entirely concurred in the observations which had fallen from the noble lord, as to the great respectability of the Roman Catholics of England, and it was this consideration which induced him to feel so strong a disposition to make concessions in their favour.

Leave was given to bring in the bill.

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### SALE OF GAME.

JUNE 2, 1823.

On the motion for the second reading of the Sale of Game Bill,—

MR. SECRETARY PEEL said, he was an advocate for the present measure, though he would allow that he was originally prepossessed against it. He did not imagine that the power of granting licenses for retailing game was given to magistrates for the purpose of patronage, but only because there were no other persons in whose hands that power could be so fitly placed. The introduction of the legal proprietor into the market, would *pro tanto* have the effect of preventing the illegal sale of game. For these reasons he should support the bill; not as the best measure that could be devised, but because it went some way towards correcting the defects of the present system.

On a division, the motion for the second reading was carried by 82 against 60; majority, 22.

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### RESUMPTION OF CASH PAYMENTS.

JUNE 11 and 12, 1823.

On the 11th of June, Mr. Western, pursuant to notice, moved—"That a Committee be appointed to take into consideration the changes that have been made in the value of the Currency between the year 1793 and the present time, and the consequences produced thereby upon the Money-income of the country derived from its industry; the amount of the Public Debt and Taxes considered relatively to the Money-income of the country; and the effect of such changes of the Currency upon the Money-contracts between individuals."

After a long discussion, in which Mr. Ricardo, the Marquis of Titchfield, and Mr. Baring took part, the debate was adjourned until the following day.

Mr. Wodehouse then resumed the discussion. Mr. James followed, and Lord Folkestone moved an Amendment to the motion of his hon. friend, by adding thereto the words:—"To consider further of the expediency of providing some remedy for the said consequences, and, amongst other things, the practicability of establishing an Equitable Adjustment of Contracts."

MR. SECRETARY PEEL then said, that after the full discussion which this subject had undergone during the last two nights, and after the repeated discussions which had previously taken place, he felt that it would be quite unwarrantable in him to trouble the House with any preliminary observations, and that his conduct would be exceedingly reprehensible, if he did not at once address himself to those main considerations which must influence every one on this important occasion. The hon. member for Essex had proposed, on the 11th day of June, that a Committee should be appointed to enter upon a number of the most momentous and complicated inquiries that could by possibility occupy the attention of any body of men. The hon. member had proposed that, at that period of the session, the Committee should take into its consideration the various changes which had taken place in the value of the currency since 1793, and the effects produced by the reformation

of the currency on the money-income of the country derived from industry. Now, he confessed that, if he were on the Committee, he should not know what was meant by "the effects produced on the money-income of the country derived from industry," nor how that income, which was derived from industry, was to be distinguished from income growing out of other sources. The Committee was also to consider of the operation of the taxes pressing on the monied income; "but, above all, it was to inquire" into the effects produced by the change in the currency on the money-contracts of the country. Now, he would ask, was it possible to consider of all these subjects, and to come to any decision on them in the course of the present session? They might prolong the session two months if they pleased; but still, to come to any decision on all these questions would be impracticable. He begged to remind those who were favourable to the present motion, that the House had three times, in preceding sessions, decided, that it would not interfere with the measure of 1819. In ordinary cases the decision of the House against a particular motion was not to be considered any bar to the bringing forward of that motion again. But the present was no ordinary case. Individuals had been induced to regulate their concerns by the determination which the House had avowed, and now to take a different course would be to shake all confidence in them throughout the country, and to make the public feel that no dependence could be placed on their resolutions.

Much irrelevant matter had been introduced in the course of the present discussion, but the question, he thought, consisted of two main considerations. First, Did the general interests of the country require a revision of the currency? And secondly, Had individual interests been so injuriously and unjustly affected by the reformation of the currency, that the consideration of those interests, separate and apart from the general interests, imposed upon the House the imperative duty of attempting to effect an equitable adjustment of the contracts which had been made? By the "general interests of the country," he meant all those in which were commonly included, the manufacturing, the commercial, and the agricultural classes. Now, with respect to the manufacturing and commercial interests, was there any thing in the present situation of those interests which required a revision of the currency, and an equitable adjustment of contracts? With respect to the manufacturing interests, it was impossible for the hon. gentleman opposite not to admit, that all their gloomy predictions of the ruin of those interests had been completely falsified by the event. The fact was, that we were in the habit of taking too desponding a view of the resources of the country. The English were, on all public questions, apt to be too desponding. The English were great hypochondriacs with regard to their own country. While the condition and capabilities of England were the wonder and admiration of the other nations of Europe, we were apt to fancy ourselves reduced to a state of such utter desperation, that no application of human talents, and no fortuitous occurrence of events could afford us any relief. He, however, would beseech the members of that House to look at the state of our commerce and manufactures, and say whether they did not present the most satisfactory indications of prosperity. He knew, that, in answer to his statements, it was indeed possible that some gentleman might start up and say, that he was connected with some particular district which was not in a flourishing state, with respect to its commerce or manufactures. But this narrow view was not the one in which the great interests of the country ought to be contemplated. He wished to take some general standard, by which they might judge of the present state of the country, by a comparison with the past. With this view, he would direct the attention of the House to the year 1817—a period antecedent to the passing of that much abused law, the act of 1819 [Hear, hear!]. He understood that cheer from the learned gentleman. He knew that the hon. and learned gentleman meant to intimate, that the same causes were then in operation which were now felt. This he most fully admitted. But where, then, were the grounds for the clamour raised against the act of 1819? Before the passing of that bill the same evils had been felt; and these, he contended, had of necessity been produced by that state of things which followed the Bank Restriction Act of 1797. To show what the situation of the country had been in 1817, he would refer to a most able speech then made by the hon. and learned member for Winchelsea (Mr. Brougham). To this speech he should turn, as to a valuable record of the distress which then existed in the manufacturing districts. The argument now used was, that the change in the currency

had affected all classes, so as to have produced the greatest distress. And it was his object to show, that such was not the fact, but that great and general distress prevailed before the act of 1819 had passed into a law. If he should be able to prove that the labouring classes connected with commerce and manufactures were employed, were tranquilly and comfortably enjoying the honest fruits of their industry, he hoped he might be allowed to argue, that in order to relieve those who might still suffer, it would not be wise in the House to tamper with the currency.

On the 13th of March 1817, the hon. and learned member for Winchelsea, at the close of a speech on the state of the trade and manufactures of the country, had proposed certain resolutions for the adoption of the House, the first of which was, "That the trade and manufactures of the country are reduced to a state of such unexampled difficulty as demands the most serious attention of this House." In the course of that speech, the hon. and learned member had stated that which fully justified the resolution with which he had concluded. The hon. and learned gentleman had gone through the principal branches of the manufacturing interests: he had pointed to the unfavourable state of the revenue, and the discontents which prevailed; and had asked, if such were the unfortunate condition of the manufacturing classes whether it were possible that the interests of agriculture could flourish? To show the strict relation between the two interests, the hon. and learned gentleman had cited a passage from Mr. Child, which he would take the liberty of reading to the House—"Trade and land are knit each to other, and must wax and wane together; so that it shall never be well with land but trade must feel it, nor ill with trade but land must fall." Following the course which the hon. and learned gentleman had pursued on the occasion to which he alluded, and fortified by such authority, he should proceed to show the contrasted prosperity which the manufacturing classes at present enjoyed, to convince the House, as he hoped, that such a state of things held out a better and surer prospect of relief, than any that could be afforded by a proposition to tamper with the currency of the country. The hon. and learned gentleman, to show the distress which prevailed in 1817, had referred to the state in which Leeds, Huddersfield, Wakefield, and Halifax then were, where he had found that not fewer than one-third of the whole population were idle, and not more than two men in nine had full employment. At the beginning of the present year, he (Mr. Secretary Peel) had thought it his duty to make inquiries on this subject, and he had accordingly addressed letters to all those local and municipal authorities which were best able to furnish the information he wanted, inquiring of them minute particulars respecting the state of the manufacturing interests in their particular districts. He should apply the result of those inquiries to the points urged, in 1817, by the hon. and learned gentleman; as such, he thought would be a fairer course than to mention them arbitrarily and as might best suit the purposes of his own argument. He would begin, therefore, with the great clothing districts, in which that hon. and learned gentleman had said, that, in 1817, from the calculations which had been furnished to him, there were only 767 in full, and 1,439 in partial work, while 1,164 were entirely idle. The account which he (Mr. Peel) had received from Huddersfield stated, that, at the commencement of the present year, the working classes were well employed, never better; that times were never so well with them, as spinners were receiving 25s. a-week, and the weavers from 18s. to 21s. a-week; that the whole population was in perfect tranquillity; that there was a great increase of buildings; and that the poor-rates, which in 1816 amounted to 10s. in the pound, had been brought down by the beginning of 1821, to 8s. 4d. and in 1822 had been reduced to 6s. 8d.—He had also made inquiries with respect to Sheffield; as that place, though not a clothing town, was nevertheless important for another branch of industry there carried on. In Sheffield he found, that the poor-rates, in 1820, had amounted to £36,000; in 1821, to £26,000; in 1822 to £19,000; and it was estimated that, in the current year, they would only be £13,000; being a reduction of nearly two-thirds in the whole amount since the year 1820. He had inquired also as to the state of new buildings there; because, if these continued to increase, and tenants were procured for them without difficulty, it was a good ground for believing, that the tenants of them were prosperous, and would furnish a valuable market for the agriculturists. The number of consumers being increased, the relief to the growers was certain. To this inquiry the answer given

was, that when the last census was taken, at which period the Bank Restriction Act was in operation, there were 1,600 houses in Sheffield untenanted, while, in 1823, though buildings had increased to a considerable extent, scarcely a single house was unoccupied.—In Halifax, in answer to the same queries, he found that the labouring classes were employed and generally well off. The poor-rates had been greatly and gradually diminished, and a large increase had been made in the number of houses, which were let, at from seven to eight pounds a-year.

So much for the clothing districts of the country. And thus far the House, he thought, would admit, that the confident assertions with which he had commenced his speech had been amply borne out by the facts he had stated. The hon. and learned member for Winchelsea had next selected Birmingham, as furnishing a fair specimen of the depressed state of the iron trade at that time. He had stated—and very truly no doubt—that, in 1817, out of a population of 84,000 souls, about 27,000 received parish relief; that out of the work people, one-third were wholly out of employ, and the rest were at half-work; and that the poor-rates had risen to between fifty and sixty thousand pounds a-year, a sum exceeding what the inhabitants paid to the income tax. Now, in answer to the inquiries which he (Mr. Secretary Peel) had made, he had the happiness to learn, that the whole body of the working classes were well employed; that there were no complaints, no appearance of disloyalty; and that in the single parish of Birmingham, which was only a small part of the town, 425 new houses had been recently erected. The poor-rates, which, in 1817, had amounted to between £50,000 and £60,000; were in 1820, £52,000; in 1821, £47,000; in 1822, only £20,000; having been reduced, in the course of two years, more than £30,000. Were not these facts, which proved that a favourable change had taken place in the state of our commerce and manufactures?

He came next to that most important district which comprehended Manchester and its immediate neighbourhood; of which the hon. and learned member for Winchelsea had in his speech, in 1817, drawn a most melancholy picture; but he regretted to say, not more melancholy than correct. The hon. and learned gentleman had been at great pains to ascertain the average rate of wages per week of a thousand weavers, of all ages and classes. During the period of the restricted currency act, it appeared, from that calculation, that in 1800 the rate of wages was 13s. 3d. a-week; that in 1802 it was 13s. 10d. a-week; that in 1812 it had fallen to 6s. 4d. a-week; in 1816 to 5s. 2d. a-week; and that in January 1817, wages had reached the fearful point of depression, of 4s. 3½d.; from which, when the usual expenses, paid by the work people for the loom were deducted, there remained no more than 3s. 3d. to support human life for seven days. Well might the hon. and learned member have paused over this scene of misery, and felt impelled to demand, how it was possible to sustain existence in such circumstances! And well might he have been appalled when he received the painful answer, that “those miserable beings could barely purchase, with their hard and scanty earnings, half a pound of oatmeal daily, which, mixed with a little salt and water, constituted their whole food!” “These wretched creatures,” said the hon. and learned gentleman, “are compelled first to part, for their sustenance, with all their trifling property, piecemeal, from the little furniture of their cottages to the very bedding and clothes that used to cover them from the weather. They struggle on with hunger, and go to sleep at night-fall, upon the calculation, that, if they worked an hour or two later, they might indeed earn three half-pence more, one of which must be paid for a candle, but then the clear gain of a penny would be too dearly bought, and leave them less able to work the next day.” Such was the condition of the cotton weaver in January, 1817. He did not state these things for the purpose of exciting painful sensations, or of reviving unpleasant allusions. He only introduced the mention of that disastrous period, for the purpose of drawing a contrast between the state of the manufacturing interests at that period and at the present moment. He called upon the House to look on that picture, and on the one which he had now to present to their view. The cotton trade in Manchester was now carried on to a greater extent than had ever before been known. The profits of the masters, it was true, were not large; but all classes were comfortable. The number of buildings erecting there were greater than at any former time. The people were tranquil, and workmen, instead of receiving, as in 1816, 4s. 3½d. a-week, and in 1817, 3s. 3d. a-week, were now paid as follows:—fine spinners—

the House would pardon him for entering into these homely details—fine spinners at present earned 30s. a-week, and coarse spinners from 20s. to 28s. a-week. Cotton weavers, who in 1817, earned 3s. 3d. a-week, now got 10s. a-week, and silk weavers 16s. a-week. The poor-rates in Manchester amounted in 1820 to £27,000; in 1821, to £23,500; but in the three quarters of the year 1822, they had only amounted to £15,000. In Bolton, there was likewise more employment than ever was known. In 36 townships no fewer than 100,000 men were employed. In two years the population in those townships had increased by 8,000 persons, and 850 new buildings had been erected. He would here close what he had to say respecting the state of the manufacturing interests of the country; and, looking at the happy change which had taken place, he would ask any man, whether there were any thing in the present state of these interests, which rendered a revision of the currency necessary; and whether, without attributing to the bill of 1819 the merit of having caused this improvement, it would not be unadvisable and rash to make any alteration in it?

He now approached the subject of the agricultural interests. He admitted that these interests laboured under a grievous depression. But the question now before the House was, whether this state of things had been caused by the restoration of the metallic currency, and whether a revision of the measure of 1819, and an equitable adjustment of contracts, could remedy or relieve it? He could not admit that the bill of 1819 had had any considerable share in producing it. For a proof of this, he would refer to a speech of the hon. member for Essex, who now came forward with this motion. In 1816, that hon. member had moved for a committee on the distressed state of agriculture, and in the course of his speech on that occasion, he had stated, that agricultural distress existed to an extent before unknown. He had also moved a resolution, which stated the agricultural classes to be reduced to a situation of utter hopelessness. This was three years previous to the passing of the bill of 1819, and in the speech alluded to, the hon. member for Essex had said, that the land then actually paid no rent at all, and did not cover the expenses of its cultivation. If such were the state of the agricultural interest three years before 1819, the distress felt by that class could not be fairly attributed to the bill of that year. He might also refer to another speech, made in 1816, by the hon. and learned member for Winchelsea, for a most able exposition of the causes, altogether extrinsic of the return to a metallic currency, which had operated to the depression of the agricultural interest. He had there pointed out, most clearly and ably, how the extensive speculations in land, which had brought two millions of acres into cultivation which had never before been tilled, must have tended that way, as well as the consequent contraction of the circulating medium, from the withdrawal of the war expenditure. This was the description of the state of the country at a time when the bill of 1819 was not in operation; and if such a state then existed without the operation of that bill, it was unfair to attribute the result of such a state to the effect of its operation. He would admit that part of the distress at that time might have arisen from an unlimited paper currency, which the bill which he (Mr. Peel) had introduced, might not have altogether prevented, but which it had certainly contributed to mitigate. The greater part, however, of that distress arose from totally different causes than those which could have any connexion with the currency of the country. The principal of those causes was the unnatural impulse given to the produce of the land by the late war, and the consequent depression of its value at the return of peace. Another of those causes was the extent to which speculation in articles of agricultural produce had been carried on with Surinam and the Dutch colonies, and the want of excitement to such speculation, when the stimulus for its continuance was withdrawn. The continental system which was carried on during the war, and which threw such extensive commerce into the hands of this country, and the change consequent on the peace, were also among the causes which conspired to bring about a depression in agricultural produce, which had been raised during the war to a forced and unnatural state. As a proof of the extraordinary and disproportionate encouragement which the cultivators of land had then experienced, he would state, that, in the space of ten years, 1,200 inclosures had been made, and two millions of acres had been brought into cultivation. Much of this land, of course, would have remained uncultivated, but for the high price which provisions bore; and, as a considerable part of it was poor and barren soil, on the return of peace it was no wonder that these lands were

not found as valuable as when they were first brought into cultivation. In the enumeration of these causes, the effect of the victories over Buonaparte should also not be omitted. At one period, such was the excitement created by the prospect of peace, alone, that flour, which had been so high as 100s. per sack, fell to 65s., and that wheat, which had been 120s. fell to 76s. the quarter. There was, therefore, a variety of causes to which the agricultural distress might be attributed, besides the bill of 1819; and he would add, that no change, which a deviation from that measure could now effect, could compensate for the risk which would be thereby incurred.

With respect to the argument of the noble lord who had last spoken, that the standard value of an ounce of gold should have been fixed at £4 1s. instead of £3 17s. 10½d., he must remind the noble lord, that the difference which this alteration could have effected, would not have been more than three or four per cent. How, then, could such an alteration have essentially benefited the agricultural interests, seeing that the proprietors of land complained of a depreciation to the extent of 50 per cent? If so, he would ask, whether it were worth while, for the sake of three or four per cent, again to disturb the state of the currency; and whether such a change could restore the agriculturists to prosperity? Upon the whole, he would contend, that neither the manufacturing nor the agricultural classes had been injured by the return to a metallic currency.

He should now apply himself to the only other point which it was necessary for him to notice; namely, whether the general interests of the country demanded an interference with all existing contracts. He entertained the same opinion now which he had done in 1819, and thought, that the addition to the burthens of the country, which the measure of that year had occasioned, had been amply compensated by the advantages which had resulted from it. The noble lord opposite had asked, what objection there could possibly be to an equitable adjustment of contracts—a proposition which was in itself so fair and so just? His answer was, simply, that such a measure was impracticable. And he would ask the noble lord, in return, how he would discover who were the debtors and who were the creditors, when the individuals were constantly changing? People must be called upon to produce their title deeds; for one man might have made his contract ten days ago, and another man ten years. Then again, how were they to discover and arrange the different periods of depreciation at which the various sums were borrowed or engaged for? "But," said the noble lord opposite, "I borrowed money when the pound note was worth only 13s. and I am called upon to pay it back when it is worth 20s." True. But the noble lord seemed to forget, that there were periods at which the pound note was worth 15, 17, 19, and sometimes even more than 20s. How, then, was the particular sum to be fixed, at which the adjustment was to be made? What standard were they to take by which to measure the depreciation?

It appeared, then, on the showing of the gentlemen opposite themselves, that the depression had been caused, not by the bill of 1819, but by the contraction of the currency, and other effects consequent upon the peace. Why, then, all the contracts entered into since that period ought, according to this doctrine, to be set aside, and placed upon the same footing as those which had been entered into since the passing of the bill in 1819. The number of these contracts, the noble lord opposite said, were very few. But, how did the noble lord reconcile this with the opinion of his noble friend (the marquis of Titchfield), who had said, that during the last two years, there had been a complete revolution in property? Now, such a complete revolution of property could only have been effected by the means of numerous contracts. Their arguments, therefore, must pair off together, and be regarded like two equal numbers in an equation, which destroy each other, and go for nothing.—The hon. member for Essex, who last year proposed only to attack the contracts since 1819, now recommended the adjustment of every contract since 1793. Let the hon. member consider how the changes in the currency which had happened since that period must affect the money-contracts of various individuals. It would not be fair that the settled contracts should not be adjusted as well as those which remained unsettled; for that would be withholding from the man who had faithfully performed his engagements, a relief which was extended to him who had failed in them. What confidence could the public place in the government or in parliament if such changes were attempted? The noble lord had stated one instance of ruin which had befallen a gentleman who



had purchased land; but the noble lord had not stated what part of his friend's loss was to be attributed to improvident speculation, and what part to the change of the currency. If improvident speculations were to be the subject of equitable adjustment, why should the noble lord limit that adjustment to speculators in land? Why not extend it equally to every commodity? The year 1812 had been distinguished for bad speculations; and, if they were to go into all such cases they would assuredly have enough to do. It really was a pretty summer amusement which the hon. member had cut out for them, when he had proposed to them, on the 11th of June, to revise all contracts that had taken place since 1793. The House having determined, once in the year 1821, and twice in the last session, that it would not enter upon any such inquiry, how could they now with propriety assent to it?—The noble marquis had stated on a former evening, that we were in such a state, from the effects of the measure of 1819, that we were unable to go to war. That position had not been proved; and he should be glad to learn, what a change in the currency or an equitable adjustment of contracts could do towards furnishing the means of prosecuting a war with success. He could not, indeed, understand the object of the motion, unless it were to increase the amount of the paper in circulation; and he never would consent to go into a committee, for the purpose of removing the check to that abuse which at present existed. From a view, therefore, of the improved condition of the manufacturing districts—from a confidence that that improved condition was intimately connected with the prosperity of the agricultural interests—from a conviction of the incompetency of that House to rectify and adjust the one ten-thousandth part of the contracts which had been entered into since the year 1793—in short, from all the reasons which had been explained, as well as from those which had been unexplained, he should feel it his duty to give an unqualified negative to the proposition of the hon. member for Essex.

Mr. Bennet, Mr. Huskisson, Mr. Attwood, and Mr. Monck, having delivered their sentiments, Mr. Western waived his privilege of reply; and, on a division, the original motion of Mr. Western, with the words proposed to be added thereto by Lord Folkestone, was negatived by 96 against 27: majority, 69.

### CONDUCT OF CHIEF BARON O'GRADY.

JUNE 17, 1823.

IN the Committee of the whole House, to inquire into the conduct of the Lord Chief Baron of the Irish exchequer, O'Grady, respecting the receipt of official fees,—

MR. SECRETARY PEEL said, he thought that if there were any difficulty in the inquiry, it was not to be obviated by postponement. There were several modes of proceeding. He did not approve of that course which would fix a resolution of censure upon a judge. It was his opinion, that a person holding such a situation ought to be dismissed altogether, if guilty of the acts laid to his charge, but ought not, under any circumstances, to be partially degraded. He did not approve of the mode of proceeding by *scire facias* in such a case, nor by address. He thought impeachment the only constitutional mode; but he could not consent to follow any of these courses, for to each of them many and serious objections presented themselves. His opinion in this respect had not been formed without due deliberation, nor had it been influenced by communication with any other persons. It was founded on the nature of the charges themselves. Supposing those charges to be proved—which but for the sake of the argument could not be admitted—still they would not amount to the high crimes which had been alleged against the chief baron. He (Mr. Peel) could very well conceive that in such a court as that over which the chief baron presided, improper charges might be made without his knowledge. He would not be understood to deny that it was the duty of a judge to examine accurately and scrupulously the conduct of the officers of his court; but if that care had not been shown in the present instance, he could not think, taking into consideration the character of the individual, that the neglect called for so grave a punishment as impeachment. Another objection which he had to this latter measure was, its importance and solemnity, which rendered it unfit to be applied to the charges now brought against the chief baron. He knew it would be easy for some gentlemen to

rise and say to him—"Will you, then, connive at offences so reprehensible in their principle, because they are only small ones?" but he should reply, that he did not connive at them, nor did he go the length of vindicating the chief baron; but he objected for the sake of the public interests, which were so powerfully upheld upon important occasions by the proceeding by impeachment, that its solemnity would be diminished by exercising it for an inferior cause. If it were objected to him, that what he had now urged in favour of the chief baron ought to have been urged three years ago, he would admit that, as applied to himself, the argument *ad hominem* would be unanswerable, but as applied to the House, he thought it would be a more dignified as well as a more candid course to say, "We have let pass the time at which this charge and the defence would each have had a sure efficient operation; and for this reason it would be better now to postpone it." At the period alluded to, the charges were of much graver import than they now appeared to be. That relating to the fees taken on swearing in the sheriffs had then seemed to be a serious violation of the law. But no person could now say that it had not been materially altered; for it seemed that this practice, unjust as it certainly was, had at least the sanction of the chief baron's predecessors. To this charge, he might with great truth reply, that his attention had never been drawn to the particular statute under which it was received, and that he had never required of his officer information on the subject. Certainly this was no reason why parliamentary proceedings should not be taken; but it was a reason why an impeachment should not be the course adopted. There were also other charges made against the chief baron with which he (Mr. P.) was not satisfied. Considering the burden which the chief baron's duties imposed upon him, the time which they occupied, the importance and anxiety of the office, and the character of the individual by which it was filled, he was prepared to believe, that although grounds might exist for those charges, still they were far from authorizing the charge of corruption against that individual. He (Mr. P.) could not conceal from himself, that a very lax method of proceeding had been adopted for many years, in taking fees in the courts of justice in Ireland. The remedy for this was, not to select any individual as a victim for these offences, but to abolish the system; and this had been done by an act of the legislature. The right hon. gentleman here referred to a list of the fees claimed by the masters in Chancery in 1815, contrasted with those allowed in 1735. This long-continued practice weighed, in his mind, as a powerful reason why they should not select the present case to visit with a punishment which had been withheld for so many years. So strongly did he feel this, that if he were now called upon to choose between the evils (for they were both evils) of passing by altogether the further investigation of these charges, or of proceeding to impeachment, he should feel inclined to choose the lesser evil, and to pass them by altogether. When the House should have decided to pass the resolutions before it, it would have to decide upon the mode of proceeding, and he had therefore risen in that stage, to call to their notice the difficulties which, in his view of the matter, seemed to beset their future progress. He could not sit down without bearing testimony to the pains and intelligence with which the committee of inquiry had discharged the duty imposed upon them by the House. He had had frequent opportunities of communicating with them, and he had never beheld a more inflexible resolution to surmount the obstacles which had been opposed to them. He could never hear any thing like censure cast upon them without expressing his opinion of their merits.

## OLIVE, SELF-STYLED PRINCESS OF CUMBERLAND.

JUNE 18, 1823.

Sir Gerard Noel rose for the purpose of moving that the petition which he had on the 3rd of March presented from the lady calling herself Olive, Princess of Cumberland, should be referred to a Select Committee. After entering into what he believed to be the merits of the case, he accordingly moved.—"That the said Petition be referred to a Select Committee, to examine the matter thereof, and to report their observations thereupon to the House." Mr. Hume having seconded the motion,—

MR. SECRETARY PEEL said, that the hon. baronet had imposed upon him a duty

of rather an embarrassing nature. The subject was so exceedingly ludicrous, that he really felt called upon to beg pardon of the House for occupying its time regarding it. It seemed that the hon. baronet considered himself acting under the obligation of a royal command, believing the individual for whom he appeared to be a princess of the blood. Such, certainly, was not his (Mr. Peel's) opinion; and upon the whole, perhaps, the best course he could pursue was, to state that truth, and those facts which it was the object of the hon. baronet to elicit. To pass over the case in silence might, perhaps, confirm groundless suspicions. He would therefore proceed to show, that this lady was either herself practising the most impudent imposture, or that she was the innocent dupe of others. The hon. baronet had omitted to state his case. It was therefore necessary for him (Mr. Peel) to detail it; and he would do so as shortly as possible. There were two brothers of the name of Wilmot; the one, Dr. Wilmot, the other a Mr. Robert Wilmot. The person now claiming to be princess of Cumberland, was the daughter of Robert Wilmot. Proof of her birth and baptism existed, and for a considerable time she had been contented with this humble origin. But in the year 1817—(very possibly before that date she had pretended to be other personages)—she discovered that she was not the daughter of Robert Wilmot, but of the late duke of Cumberland, brother to his late majesty Geo. III. She did not then, indeed, pretend that she was the legitimate but the illegitimate daughter; and in 1817, a petition, signed "Olivia Serres," was presented to his majesty by a person on her behalf, which contained these words—"May it please your royal highness to attend to the attestations which prove this lady to be the daughter of the late duke of Cumberland by a Mrs. Payne, the wife of a captain in the navy. Mrs. Payne was the sister to Dr. Wilmot, and this lady was born at Warwick, and the attestation of her birth is both signed and sealed by the matron and the medical attendant." This petition went to prove that she was the illegitimate daughter of the duke of Cumberland; but in 1819 the lady became dissatisfied with this distinction, and then she discovered, and produced attestations to prove, that she was the legitimate offspring of the duke of Cumberland by the daughter of Dr. Wilmot. She alleged, that Dr. Wilmot had a daughter who was privately married to the late duke of Cumberland in 1767. It was known that the duke of Cumberland was in fact married, not to Miss Wilmot, but to Mrs. Horton, in 1769. Of course, the ground of the petitioner's claim was, that the duke of Cumberland had been guilty of having been married to her mother two years before his union with Mrs. Horton. After the death of Lord Warwick, and of every party who could prove the signatures, the petitioner produced several documents to show that there had been a private marriage in 1767, and that she was the offspring of it. The marriage at that date would have been legal; the royal marriage act not then having been passed. She also produced various papers to account for the secret having been so mysteriously kept till the year 1819.

Sir G. Noel interposed to state, that the late Lord Warwick had given the papers in question to the duke of Kent. The petitioner did not obtain them until after the death of lord Warwick.

MR. SECRETARY PEEL added, that they had not been forthcoming until the death of every party whose signatures they purported to bear: even the accoucheur who attended her mother, died in 1818, a year before the claim was advanced. The attesting witnesses were, Mr. Dunning, lord Chatham, and lord Warwick, and their names were used to prove a secret marriage, and the consequent birth of a child in 1772—no other, as was pretended, than the present Mrs. Serres. To account for the long belief that she was really the daughter of Mrs. Wilmot, she asserted that Mrs. Wilmot having been delivered of a still-born child, the petitioner, the daughter of the duke of Cumberland, was substituted for the sake of concealment, and that Mr. Dunning and Lord Chatham had consented to that substitution. The story was full of fabrications from beginning to end. They were easily detected. But if he could show, as he was prepared to do, that two of the documents were forgeries, the presumption would be complete that the rest were not more authentic. He would take the two most important documents—the supposed will of his late majesty, and the pretended certificate of the private marriage. The petitioner claimed £15,000, under an instrument which she called a will, signed on the 2nd of June, 1774, by his late majesty, and witnessed, "J. Dunning, Chatham, and Brooke," The terms

of the bequest were singular. It was headed G. R. "In case of our royal demise, we give and bequeath to Olive, our brother of Cumberland's daughter, the sum of £15,000, commanding our heir and successor to pay the same privately to our said niece, for her use, as a recompense for the misfortunes she may have known through her father." It would be observed, that this paper was witnessed among others, by Lord Chatham in 1774; but that nobleman had resigned his office in 1768, and never afterwards held any public employment. In 1772, he made a speech in direct opposition to the king's government; and, on the 20th of January, 1775, he moved an address to his majesty, to withdraw the troops from Boston. Those who knew the sentiments of his late majesty on the subject of the American war, would find it difficult to believe, that under such circumstances he would select lord Chatham to be his confidant in a private transaction such as the one in question. But on a reference to the recorded speech of lord Chatham on that occasion, it would be found that that noble lord actually commenced it with these words: "As I have not the honour of access to his majesty, I will endeavour to transmit to him, through the constitutional channel of this House, my ideas of America, to rescue him from the misadvice of his present ministers." But there was another of this lady's documents, said to be signed by lord Chatham, of a still more extraordinary nature. Would the House believe that a man of lord Chatham's known character would have done so dishonourable an act as to put his hand to a certificate like that to which his signature appeared to be appended? It began—"To be committed to the flames after my decease;" and it testified, "that the duke of Cumberland having subjected himself to the crime of bigamy, we have agreed to let his daughter Olive be the sacrifice." It was signed "Warwick and Chatham." It was on the 20th of January, 1775, that lord Chatham had made his motion respecting the troops at Boston, and in six weeks afterwards it would not be easy to guess on what service his lordship was employed.—His name was appended to a document couched in these terms—"The princess Olive, only child of Henry Frederick, duke of Cumberland, and bred up as my brother Robert's daughter, may be known by a large brown spot." [Laughter, and cries of "Where? where?"] He should touch upon the brown spot by and by. He hoped that hon. members would restrain their curiosity upon this point for a few moments. If they did not think fit to satisfy themselves upon the subject, he would inform them, that according to the grave testimony of lord Chatham, the said large brown spot was of a liver colour, and that its situation was on the right ribs of her highness the princess Olive of Cumberland. [Much laughter.] It was indeed putting the distaff into the hands of Hercules to call upon lord Chatham to bear witness to this delicate but important fact. Nor was it very likely that the authentic signature of Mr. Dunning should be affixed to this pretended bequest. However, whether it were or were not, this document was comparatively unimportant; because if the marriage really took place, Mrs. Serres was to all intents and purposes, princess of Cumberland, and nothing could defeat her claim to that title. It was necessary, therefore, to examine the certificate of the marriage, which was dated March 4, 1767, and was in these words—"I hereby certify that Henry Frederick, duke of Cumberland, was this day married to Olive Wilmot, and that such marriage has been legally and duly solemnized, according to the rites and ceremonies of the Church of England." It was signed "James Wilmot;" present "Brooke," "J. Adder," "G. R." was also appended, but for what purpose did not appear. This document was intended to make out that the marriage was solemnized by James Wilmot, the real uncle of the petitioner. It was often astonishing to see in how many points a fabricated story might be detected. Now, it was a fact that James Wilmot was a fellow of Trinity College, Oxford, and unfortunately for the petitioner, on that very day, March 4, 1767, he was resident there, as it appeared by the books of the college, that he quitted Oxford on the 5th of March, 1767. So much for Mr. James Wilmot. But still the signatures of the late lord Warwick and of J. Adder remained to be disposed of. The late lord Warwick, by the paper, appeared to have signed "Brooke," his father being still alive; but unluckily again, the late lord Warwick, before he succeeded to the title, had always signed "Greville." He was so named in the entry of the burial of his wife. His servants knew him by that title only, and in that title his father's property was bequeathed to him. He (Mr. Peel) was in possession of a letter from the present lord Warwick, stating that the title of lord Brooke had not been borne

by any eldest son but himself. The fabricator of this instrument had therefore been misled by the present practice of the family. As to the signature "J. Adder," a person had been sent down to Warwick to inquire if there existed any recollection of such a person; and by the residents he was rather startled to be informed, that the medical attendant of the Warwick family certainly was a Dr. Adder. On further investigation, it turned out, however, that the real name of the gentleman was James Haddow; that he came from St. Andrew's, and that the people of Warwick generally, in speaking of Dr. Haddow, had omitted the H in his name altogether, and had substituted an R for a W at the end of it. Here, again, vulgar mispronunciation had misled the framer of this precious piece of imposture. Having touched upon these prominent points, he apprehended that he had said enough to satisfy the House. [Cheers from all sides.] It was needless, therefore, to go into other documents; and even the hon. baronet himself, with all the fealty he had professed, would probably admit that the claim of the lady was disproved. If, however, the hon. baronet were inclined to persevere in her cause, there was one pretension, on which he (Mr. Peel) did not wish to throw the least discredit. He held in his hand a manifesto signed "Olive," and claiming the high dignity of princess of Poland, by virtue of her relationship to Augustus Stanislaus, as she here pretended that the duke of Cumberland married Olive, the legitimate daughter of the king of Poland. It concluded in these terms—"Alas! beloved nation of our ancestors, your Olive lives to anticipate the emancipation of Poland. Invite us, beloved people, to the kingdom of our ancestors, and the generous humanity and wise policy of the emperor Alexander will restore the domain of our ancient House." It went on to assure the Poles, that her legitimacy, as princess of Poland, had been fully proved in England. Thus it appeared that this lady had two strings to her bow. With her claim to be a Polish princess he had not the slightest wish to interfere, but should sit down satisfied with having shown that she had no pretension whatever to that rank in England.

Sir Gerard Noel having briefly replied the motion was instantly and loudly negatived.

## THE OATH OF SUPREMACY

JUNE 18, 1823.

In a conversation on the order of the day for the second reading of Lord Nugent's bill for regulating the administration of tests and qualifications for the exercise or enjoyment of offices and franchises by British Roman Catholics—(see page 249),—

MR. PEEL said, that in the present bill he saw many objectionable clauses, which he would not, however, discuss in the present stage; but he could not help objecting to the removal of the oath of supremacy on the part of those who were candidates for office. As far as regarded the elective franchise, he had no objection to grant it to the English Roman Catholics without any restriction; but, as a qualification for office generally, he considered the oath to be indispensable. The Catholic would otherwise be put on a more favourable footing than the Protestant or Dissenter.

JUNE 23, 1823.

In a discussion on the order of the day for the commitment of Lord Nugent's Bill,—

MR. SECRETARY PEEL said, that being friendly to the general principle of the bill, he conceived this to be the proper stage at which to offer his objections to the course taken by the noble lord. The objects of the bill were three-fold; first, the elective franchise; secondly, the qualification for certain offices; and thirdly, the qualification for a place in a corporation. With respect to the first, he had no objection whatever that the Roman Catholics of this country should be placed upon a footing with their Irish brethren in that respect: but it should be observed, that they now enjoyed the elective franchise, unless indeed one of the candidates should propose to the sheriff to put the oaths of supremacy and allegiance to the voters. For himself, he had no possible objection to the repeal of the 7th and 8th of William, by which the Catholics of England were affected. But the motion of the noble lord went to repeal the oath of supremacy in England, leaving only the sacramental tests in force; now, this was not placing the Irish and English Catholics upon the same footing, inasmuch as

all persons in Ireland who filled the higher offices were obliged to take both. With respect to the oath of abjuration also, there could be no objection; as it only called upon the parties to declare that no foreign potentate or power held, or ought to hold, spiritual or temporal authority in these realms, contrary to the laws and constitution of the country. With respect to the other tests, why, he would ask, should a magistrate refuse to take the same oaths which were imposed upon the lord chancellor and the other officers of the first distinction in this country? If he might presume to advise the noble lord, he would recommend him to divide his bill into two parts, separating the clause which went to give the elective franchise from the other parts of the measure. He hoped, indeed, that the noble lord would confine himself to the principles upon which he grounded the introduction of the bill. The noble lord had been totally silent with respect to the Catholics of Scotland.

Lord Nugent assented to the Hon. Secretary's proposition, and accordingly moved,—"That it be an instruction to the Committee to divide the Bill into two Bills."  
—Agreed.

## IRISH INSURRECTION BILL.

JUNE 24, 1823.

Mr. Goulburn having moved the second reading of the bill for continuing the Irish Insurrection Act, Sir Henry Parnell moved, by way of amendment—"That a committee of twenty-one members be appointed, to inquire into the extent and object of the disturbances existing in Ireland." Mr. Grattan having seconded the motion, which was supported by several other members;—

MR. SECRETARY PEEL said, that as no member had questioned the propriety of passing the Insurrection Act, it was not necessary for him to defend that measure. It had been said, that the government were deceiving themselves, when they supposed that that act would operate as a cure for the discontent and misery of Ireland. A cure—good God! who could be so infatuated as to suppose that that measure was intended as a cure? It was only meant as a temporary measure to meet a pressing emergency. With respect to the proposition of the hon. baronet, calling for a committee, he would only put it to the House, whether they could, at that period of the session, on the 24th day of June, enter into an inquiry such as the hon. baronet called for? An inquiry into the question of finance would of itself take up three months. Then there was the question of education, and an inquiry into the administration of the laws. He submitted to the House, that it would be perfectly idle, at that period of the session, to go into such an inquiry. He thought that ministers had been rather hardly dealt with by hon. gentlemen in the course of the present discussion. During the last session, the great complaints of Ireland, as urged in that House, were excessive taxation, the distillery laws, and tithes. Now, government during the present session had met these evils; they had reduced taxation; they had revised the distillery laws, and they had brought forward measures respecting tithes. But still they were exposed to the censure of hon. members, as though they had done nothing to redress the grievances of Ireland. The hon. member for Grampound had said, that so long as any thing was denied to the Catholics, Ireland could not be restored to tranquillity. The hon. gentleman was for portioning out tithes for the Catholic clergy. That was indeed carrying things to the extreme end; but he would not quarrel with the hon. member for boldly and fairly stating his views. He would only say, that the subjects handled by the hon. member were of vast importance, and that, when the hon. member came to deal with them, he would discover more clearly their difficulty and their importance.

On a division, the amendment was negatived by 88 against 39, and the motion for the second reading agreed to.

## THE LORD LIEUTENANT OF IRELAND.

JUNE 26, 1823.

Mr. Hume, pursuant to notice, moved—"That an humble Address be presented to his majesty, praying, that he will be graciously pleased to appoint a commission to inquire whether the government of Ireland, under its present form, ought to be continued, or whether the Lord-lieutenant and other officers may not, with advantage, be dispensed with."

Mr. Ricardo seconded the motion; and, in the course of the evening,—

Mr. SECRETARY PEEL said, that as he had filled one of the offices which the hon. gentleman proposed to abolish, and now filled that upon which it was proposed to charge the duties, he thought he had some claim upon the attention of the House. The question which they had to consider was, whether or no they thought it advisable, in the present circumstances of Ireland, to abolish the local executive government. The whole merits of the proposition lay in the advice of the hon. member to put Ireland upon the same footing of government as Wales, or any other subordinate kingdom or province which had been incorporated with the British empire. Now, he conceived that Ireland was by no means in a fit state for effecting that change. It was not a question of expense, but of expediency and policy; and a few thousands of pounds could not weigh at all in the consideration of it. He thought that a local executive was an essential and necessary check upon a country so remote, which was an ancient kingdom, and, till the last twenty years, had a separate legislature. On the other hand, what with the growing population and commerce of this kingdom, the duties of the Home office were now quite as much as one man could faithfully execute. The House would consider, that, in the exercise of that great prerogative of mercy, it was the duty of the Home secretary to communicate personally with the judges upon each particular case; to try each case over again, in fact. This was only one branch of the duties of that office, which, as he had observed, were quite enough for any one man. Now, if the Irish affairs were to be turned over to the same hands, as the labour would then be too much, was there no danger that, between the interests of Wales, and Scotland, and Ireland, some of them might be neglected; and was it not very likely to happen to the interests of that country which was most remote from immediate observation? To prove to the House what would be the probable augmentation of business in the Home office by acceding to the motion, he would only mention, that in the past year there were in Ireland 8,312 criminal convictions; out of those there were applications for mercy in 2,400 cases, out of which 400 capital sentences were set aside. If a separate secretary of state should be appointed for Ireland, his absence from that country would be highly injurious, and yet it could not be avoided, for he must sit in parliament. [Mr. Hume said, "So he does now."] Yes, he did so now; but now there was a Lord-lieutenant in Dublin, whose presence effectually prevented the danger which might arise from the neglect of subordinate agents.—The hon. gentleman had said, that the appointment of a secretary of state instead of the Lord-lieutenant would remove him from the influence of party, and all the prejudices which party engenders; because he would reside, of necessity, in England. Now, if this reasoning were correct, it would follow that the secretary of state of England could discharge his duty better by remaining in Dublin, or perhaps at Holyhead, where he would not be assailed by English or Irish party prejudices, unless some gentleman should think he was in danger from those of Wales.—The hon. gentleman had urged too, as a reason why the office of Lord-lieutenant should be abolished, that he had lost all his patronage, but he could assure the hon. gentleman, that all that patronage which was of real importance to the interests of the people still remained in the hands of that functionary—that of the church and of the law; and he would ask, how it was possible that this patronage could be usefully or wisely exercised, unless local knowledge of the country were possessed by the person to whom it was intrusted?—The right hon. gentleman proceeded to expatiate upon the inconveniences which would attend the measure proposed by the motion before the House. He requested gentlemen to consider—recollecting as well the rebellion of 1798 and the disturbances of 1803, as the existing state of that country, whether it would be wise to dispense with the advantages of a local government, and

whether it were possible that a sufficient vigilance could be exerted over the affairs of Ireland, without the immediate authority of a superior direction? If these were conceded to him, then the House must agree, that it would not be wise to weaken in any measure, that local government; and he would ask any one acquainted with Ireland, whether the arrival of a commission at Dublin would not be regarded as the superseding of the Lord-lieutenant? He did not stay to examine if the people were wise, or if they were philosophers, but he knew that this would be the effect of the measure. It were much better that the Lord-lieutenant should be removed at once—he would rather that the government of Ireland should, at once, be committed to a secretary of state, who was not suspected—than that it should remain in the hands of a Lord-lieutenant, the expediency of the duration of whose office was thus to be made a matter of doubt. He thought he had said enough to show the House, that, in the present circumstances of Ireland, nothing could have a more mischievous effect upon the country at large than disturbing the local government.

The motion was negatived without a division.

## ADMINISTRATION OF JUSTICE IN IRELAND.

JUNE 25, 1823.

Mr. Brougham moved,—“That the petition of the Roman Catholics of Ireland, complaining of inequality in the administration of the law, be referred to the Grand Committee for Courts of Justice.”—In the course of the evening,—

MR. SECRETARY PERL said, he would confine himself strictly, in what he had to say, to the consideration of the matter immediately before the House. When he stated to the House, that out of eighty-four days which had been this session devoted to the despatch of public business, no less than forty-nine had been appropriated to the discussion of Irish subjects, it would easily be imagined how disposed he felt to confine himself within the limits he proposed. The question, then, was shortly this—whether the House should have recourse to the very unusual proceeding of referring this petition to a committee, the grand committee for courts of justice—a proceeding that had not been resorted to by parliament for the space of 120 years past? And then it was adopted upon express allegations of corruption in one of the judges. Now, he wished to know whether, in the speech of the hon. and learned gentleman, or in the petition itself, any ground for such a proceeding as this had been laid? He had heard it called the petition of the Roman Catholics; but, opposed as he had been to that large and important body of his majesty's subjects, on the question of Emancipation as it was called, he rose to rescue them from the charge of having prepared or transmitted so inflammatory a petition; or of having been privy to, or in any way connected with it, couched as it was in such unbecoming, indeed he had almost said such ferocious, language. It could never be imagined that the Roman Catholics of Ireland could be parties to representations of this kind—“that the corporation of Dublin is disgraced by the foulest corruption, and has been convicted of the most flagitious fraud—that the city of Dublin has been robbed of upwards of a million of money by these abandoned speculators.” Would the Roman Catholics of Ireland, had they been satisfied even that these statements were well-founded, have disgraced themselves by such language, without at the same time setting forth facts to warrant its use? But on this subject some information had been already laid before the House, in the course of the inquiry into the conduct of the sheriff of Dublin. With respect to the civil proceedings and conduct of the corporation of Dublin and its expenditure, a committee had been appointed to inquire; which committee had pursued its inquiries for three months, and was still sitting up stairs. But it was most remarkable, that in this petition, which dealt so largely in general averments, no specific fact was stated. He called on the House, therefore, to suspend its judgment on the subject matter. Even the hon. and learned gentleman himself, like a skilful orator, had taken occasion to complain of this defect; and had endeavoured to account for it, on one of the most whimsical and extraordinary principles that could well be imagined; namely, that the facts imputed by the general averments of the petitioners were so notorious, that the petitioners



thought it unnecessary to recapitulate them. In passing, he would observe, that the petition itself was more in the declamatory style of a condemned tragedy, than of a grave representation to the legislature. Other reasons might be assigned for the omission of any particular facts; and as to the general assertions, many hon. gentlemen, some friendly and others opposed to the Catholic cause, had that evening come forward to contradict every one of them, and to declare them in all respects unfounded. The hon. member for Cork, for instance, a gentleman from whom he generally differed on political subjects, but whom he could never hear without feeling the strongest disposition to do justice to the manliness and the candour with which he had denied all these accusations about the bad administration of justice in Ireland, the bad conduct of the judges, or the malpractices of juries. He denied them totally in all cases which were within his own observation. Now, the House should know that this petition was, in fact, transmitted from a society called the Catholic Association now sitting in Dublin. Ten years ago, the Catholic Association was also sitting; and, at the instigation of that body, a very able work was composed, on the Penal Laws of Ireland. The author received the thanks and rewards of that Association: and in that book, too, there were many of these general assertions respecting the administration of justice in Ireland. The right hon. gentleman then read a passage from the book, imputing partiality and denial of justice to the Irish government. There was but one particular instance quoted, and to that the House would do well to attend. It was stated, that at the summer assizes for Kilkenny in the year 1810, a Catholic farmer was tried for a capital offence; that he was found guilty and sentenced; that he was a man of substance, and that between his condemnation and his execution his innocence was made manifest; but that finally he was hanged, protesting publicly his innocence. There were some very shocking circumstances attending this case (it was added), which the government would find it difficult to explain. Now, for this publication a prosecution was instituted against the printer; to whom it was intimated, however, that no proceedings would be had, provided he would give up the author's name. The prosecution was pursued; and it turned out, that Barry, the individual alluded to, had been tried twice—once before lord Norbury, and once before Mr. Baron George. In the first instance, he was indicted on two counts; one being for maliciously firing a pistol with intent to kill a man, the other for being found with the pistol on his person when seized. As the law stood, the judge charged the jury, that one was a capital, the other a transportable offence. On the transportable offence he was tried and acquitted; but on the other, being remitted to another tribunal, by another judge and jury he was found guilty, and executed according to his sentence. The right hon. gentleman then cited a passage from the speech of Mr. Solicitor-General Bush, in a libel cause in Ireland, wherein it was shown, that a man who was said to have been acquitted on a charge of murder because he was a Protestant, had been so acquitted under the direction of Mr. Justice Osborne and Mr. Baron McClelland, by reason of his insanity—a direction which the hon. and learned gentleman opposite, immediately on being informed of the fact, did himself call upon the House to acquiesce in. This was the case of Walter Hall, in 1812—the only other specific grievance of which, amongst all the general imputations that had been so falsely cast on the administration of justice in Ireland, he had ever heard. With respect to the appointment of magistrates, lord Manners must rely upon information; and the rule which he laid down for his own guidance was, not to attend to the recommendation of any man who might be supposed to be biassed by political partialities, but to act on the recommendations of privy councillors and governors of counties. It was true that, on the disturbance which had occurred in the north of Ireland, the troops were obliged to withdraw, as they could not act, no magistrate being present. But, why was no magistrate present? Because lord Manners had recently withdrawn an individual from the commission of the peace, who had been accused of acting under strong party feelings. As to major Sirr, he did not think it quite fair to cast reflections on that gentleman, and rely as an authority on the speech of Mr. Curran. If the case against major Sirr had been so strong, why did not Mr. Ponsonby and the duke of Bedford remove him from the commission of the peace? He asked this, not as intending any imputation against the duke of Bedford or Mr. Ponsonby, for not so acting, but as the strongest possible inference, that the trial did not produce such damning proofs against major Sirr, as

had been supposed. In the whole of the six years, during which he (Mr. Peel) had been acquainted with major Sirr, he never knew a milder man, or one less disposed to exert authority unduly. With respect to the charges of Mr. Justice Fletcher, for very obvious reasons he felt desirous of saying as little as possible. He had the original charge of Mr. Justice Fletcher in his hand, and as it differed very materially, in some important particulars, from that which had been stated, he was at least justified in saying, that the charges of that learned judge were tainted with political partialities. He was rather surprised that the learned gentleman should have referred to the letter of Mr. Saurin, since he had last year, on a very proper feeling, declined to make it the subject of discussion in that House; and though the learned gentleman had now thought proper to do so, he (Mr. P.) would not refer to that letter; for he never would admit that that document was legitimately before the public, and to make it the subject of discussion in that House, would be destructive of that confidence which ought to exist between master and servant, and would be holding out a bribe to the latter to betray the former. On Mr. Saurin himself the right hon. gentleman then pronounced a warm eulogium. As to the charge made against Lord Norbury for what appeared to be a joke, and for which the learned gentleman appeared to have no better authority than a newspaper statement, there was scarcely a joke in Dublin which was not imputed to Lord Norbury, and he doubted, if it had been correctly stated, whether much of that improper levity which appeared to attach to it would have had place. The learned gentleman had fairly admitted, that allowances must be made for the customs and manners of the country; and though he (Mr. P.) might approve of the solemnity with which such things were conducted in this country, yet he must regard the difference of character; and he could assure the learned gentleman, that he was as anxious as himself to exclude politics from the bench.—The petition which the learned gentleman had presented was destitute of facts; but the learned gentleman had himself supplied the deficiency. But, to show what the value of the learned gentleman's statements were, he would recall to the recollection of the House what he had said a few nights ago, on the subject of the court of Chancery. Speaking of Lord Manners, the learned gentleman had said, that almost all the judgments of that noble judge, in one particular year, which had been appealed from, had been reversed by the lord chancellor of England. Upon an average of ten years, out of 100 appeals from the judgments of the Irish chancellor, 50 of these sentences had been reversed. So that in pronouncing judgment, the learned lord was wrong about once in two times. That was the learned gentleman's statement. But what was the fact? Why, that in thirteen years there had been 2,700 decrees pronounced by Lord Manners, and eleven only of his judgments had been reversed in the whole time. There had been 22 appeals only in the thirteen years, and only eleven had been reversed. So that, if he had correctly understood the learned gentleman, he must make a deduction from his accuracy of about 22,000 per cent. In conclusion he never could believe that the petition was intended to induce the House to enter on a calm inquiry, but was convinced that it proceeded from bad party purposes. He therefore never would consent to give currency to the imputations contained in it, by founding any parliamentary proceeding upon it, and still less would he consent to found upon it that extraordinary proceeding, a reference to the Grand Committee on Courts of Justice.

On a division, the motion was negatived by 139 against 59; majority, 80.

## PRIVATE MAD-HOUSES.

JUNE 30, 1823.

Mr. Hume having presented a petition from Mr. John Mitford, praying for an inquiry into the state of Private Mad-Houses,—

MR. SECRETARY PEEL said, he saw no ground in the present case for establishing an inquiry. To suppress private mad-houses, would be to create an evil greater than any which such a course would remove. Confinement in a public institution, under any circumstances, would always appear to many a very severe infliction; and the attempt to abolish private mad-houses would inevitably lead to the confinement

of lunatics in private houses—an arrangement under which every facility to abuse would be increased. Upon the petition before the House, he would only say thus much—that a variety of statements had been presented to him, in his time, by persons, sane to all appearance, complaining of abuses practised in mad-houses; he had examined into these statements over and over again, and he had, in almost all cases, discovered that they were without a shadow of foundation.

The petition was ordered to lie on the table.

### SCOTCH JURIES' BILL.

JUNE 30, 1823.

Mr. Kennedy having moved the third reading of the Scotch Juries' Bill, the measure was opposed by Lord Binning, and supported by Mr. Abercromby, when,—

MR. SECRETARY PEEL said, that the present bill could not pass on such argument as that of the learned gentleman's, (Mr. Abercromby) which had nothing to do with the measure, but was in fact an *argumentum ad hominem*, directed against his noble friend. The question was—whether the alteration which it was proposed to make in the administration of the criminal law of Scotland, by this bill, were or were not a wise one? He had very serious doubts of the wisdom of passing this bill; and he believed, that before two sessions had passed, the hon. member would be an advocate for the amendment of his own measure. The jury-books were made up alphabetically; so that before they could proceed to the letter B, they must exhaust all the names under the letter A, and the whole jury might be composed of Abercrombies [a laugh]. Now the having an entire jury of the same name might, in cases of assault, or offences growing out of ancient feuds, have a very bad effect. He thought that there were to be found considerable difficulties in the way of carrying the bill into effect. He could not consider it prudent in the hon. member to attempt so considerable a change in the criminal law of Scotland by any bill brought in so late in the session, and with so very little opportunity allowed for the discussion of it.

The motion for the third reading of the Bill was carried, on a division, by 60 against 55.

### BRITISH ROMAN CATHOLIC ELECTIVE FRANCHISE BILL.

JUNE 30, 1823.

Lord Nugent having moved the order of the day for the further consideration of the report upon this bill, with a view to its recommitment, the House resolved itself into a Committee accordingly. Mr. Bankes (the member for Corfe Castle) opposed, and Mr. Hudson Gurney, Mr. W. Peel, and Mr. J. Smith supported the Bill; when,—

MR. SECRETARY PEEL said, that, although opposed to the general measure of Catholic Emancipation, he was ready to support the bill before the House. Nothing which had fallen from the hon. member for Corfe Castle had convinced him, that there was any danger in the measure, or that he should compromise, by voting for it, any principle which he had heretofore professed. He could not see by what process, upon granting the elective franchise to the Catholics, he was at all bound to grant them the further right of sitting in parliament. In fact, the two privileges, as it seemed to him, had no connexion at all with each other. The hon. member for Corfe Castle said—"This measure gives us in England a class of men who may make members of parliament, but who cannot become members of parliament themselves." Why, what was there new in this? From the different rights attaching to different kinds of property, there were already thousands of men in the country, who could vote for members of parliament, and yet could not sit in parliament themselves; and *vice versa*, there were many who were competent to sit in the House, who had not, nevertheless, the qualification for voting. Again, as the hon. member for Newtown (Mr. H. Gurney) had stated, there were the clergy of England, a whole body of individuals who were excluded by law from being elected to parliament, although

they possessed, or might possess, the elective franchise. As for danger in the present measure, he saw none; and he denied that it bound its advocates to support any ulterior measure. The Catholics of England were few in number; and even taking Lancashire, the county in which their party was strongest, he did not believe that they would have influence enough to return a single member to parliament. There was nothing in the ancient law of the country, to oppose the grant of this session to the Catholics; nothing anomalous in granting it. The law of exclusion at present was one of the very worst character. Its enforcement depended upon the pleasure of individuals, who could never make use of it upon public grounds, or upon principle; because the individual who barred the Catholic from voting was always the party against whom he was going to vote. If the exclusion were to continue, he would prefer seeing the *veto* made absolute, to leaving the law in its present state; but, as he thought that one admission could do no possible mischief, and that much advantage would accrue out of that community of feeling between Catholic and Protestant which the bustle of an election would produce; he should give his hearty support to the measure.

The motion for the recommitment of the Bill was carried, on a division, by 69 against 30; majority, in favour of the Bill, 59. The Bill was then reported.

## RELIGIOUS OPINIONS—FREE DISCUSSION.

JULY 1, 1823.

Mr. Hume presented a petition from certain Ministers and Members of Christian Congregations, praying for free discussion on religious points. The petition having been received, and ordered to be printed, Mr. Hume rose, pursuant to notice, and concluded a speech of considerable length by moving—"That it is the opinion of this House, that Free Discussion has been attended with more benefit than injury to the community, and it is unjust and inexpedient to expose any person to legal penalties on account of the expression of opinions on matters of religion." Towards the close of the debate which followed,—

MR. SECRETARY PEEL complained, that an hon. member had assumed, that the House was prepared to go a very considerable way in accordance with the views of the hon. member for Aberdeen (Mr. Hume). He, for one, was not prepared to advance one step along with the hon. member. He objected to his motion altogether. He disliked the form in which the hon. member had brought the question before the House. The practice of proposing resolutions declaratory of the opinion of the House had, he was sorry to see, become very prevalent of late. If the hon. member considered the law which subjected individuals to punishment, improper or unnecessary, why did he not move for its repeal? In the resolution which the hon. member had proposed, he first declared that free discussion had been attended with more benefit than injury, and then said that it was inexpedient to subject individuals to legal punishment on account of the expression of their opinions on religious matters. If the first part of the resolution was true, the second was quite unnecessary. If there had been, as the hon. member assumed in his resolution, free discussion, what more did he desire? To be consistent with himself, the hon. member should have framed the resolution in a prospective sense, and said, that more benefit would arise, &c. With respect to the petition, he must say that he had never read any thing more absurd or sophisticated. It commenced by stating, that the petitioners had a strong sense of the benefits which resulted from a belief in the Christian religion, and afterwards expressed a wish that the laws might be repealed which prevented individuals from attacking and endeavouring to destroy that religion. He was satisfied with the law as it stood, and would not consent to change it. He could conceive that cases might occur, in which it would be impolitic to put the law in force. That was a matter of discretion. But if it could be shown that, in a dozen cases, the discretion had been abused, it would not determine him to put aside the law altogether. He would not consent to allow men who, from sordid motives, endeavoured to undermine the religion of the country to go unpunished.

The motion was negatived without a division.

## JURORS' QUALIFICATION BILL—ADMINISTRATION OF JUSTICE.

JULY 9, 1823.

Mr. Western having moved that the order of the day for further considering the report of the Committee on the Jurors' Qualification Bill,—

MR. SECRETARY PEEL said, that he had requested the hon. member to postpone the bill, not because he felt a decided objection to its principle, but because so important a measure required more deliberate consideration. He agreed with the hon. member, that a more frequent deliverance of gaols was, as a principle, a good one, but there were difficulties in the way of the details of such a measure, which he had not been able to overcome. He thought there might be an addition to the number of judges, as he saw no charm in the number of judges, unless its antiquity. He believed sixteen would be a more efficient number than twelve. He allowed that great advantage had been derived to the public from the appointment of a third assize upon the Home circuit, but he doubted whether an additional assize could be carried into effect on the other circuits, at least while the number of the Judges remained the same.

## SCOTTISH LAW COMMISSION BILL.

JULY 10, 1823.

In the debates on the order of the day for the third reading of this Bill,—

MR. SECRETARY PEEL said, he thought he had observed a smile on the cheek of the hon. and learned gentleman (Mr. J. Williams) who spoke last, when he expressed his surprise that he (Mr. Peel) had not spoken during the present discussion. In reply, he could assure the hon. and learned gentleman that there were various reasons for his silence; 1st, the two speeches of his right hon. friend, and of his learned friend the attorney-general, had exhausted the subject; next, he begged to assure the hon. and learned gentleman, that as he had sat in his place till three o'clock that morning, with not more than a fifth of the members then present in attendance, he was but little disposed to enter on such a subject as that now under consideration: 3rd, he had reason to think, from an intimation from the hon. and learned gentleman himself, that he would bring the subject before Parliament early next session; and upon a question of so much importance, he wished to reserve himself till that occasion should occur for delivering his sentiments at length: 4th, as he was to have the satisfaction of concurring with the hon. and learned gentleman in the vote he should give on the present bill, he was unwilling to disturb the harmony of the evening. Lastly, as the vote for the salary of the person appointed to the new situation in the House of Lords would give the hon. gentlemen opposite another opportunity of stating their opinion on that office, he thought there was no necessity to provoke a premature debate on the subject.

The Bill was read a third time and passed.

## ROMAN CATHOLIC CLAIMS.

FEBRUARY 3, 1824.

In the debate on the address on the King's Speech, on opening the session,—

MR. SECRETARY PEEL said, that as the hon. and learned gentleman opposite (Mr. Brougham) had inferred, from a part of the Speech from the Throne, that measures were recommended introductory to the admission of the Catholic claims, he was anxious not to be misunderstood on a question of so much importance. As his right hon. friend (Mr. Canning) had taken an opportunity of expressing the opinions which he was known to maintain on that subject, and his intention and perseverance in them, he (Mr. P.) trusted that he might also be permitted to take the same opportunity of repeating the determination, which he had so often expressed in that House, of opposing those claims, whenever they might be brought under the consideration of Parliament.

## IMPRISONMENT UNDER THE VAGRANT ACT.

FEBRUARY 10, 1824.

Mr. Hume presented a petition from an individual who complained of the improper use made of the discretionary power vested in the magistrates by the Vagrant Act of last session. The petitioner, on the 7th of last September, was returning in the evening to his own house from Clapton, where he had been upon private business. In passing through one of the alleys of the metropolis, he was accosted by a woman, who asked him if he knew the way to Brick-lane. Whilst he was answering her question, the watchman came up, accused them of improper conduct, and took them both off immediately to the watchhouse. In the morning, the petitioner was taken before Sir Daniel Williams, the sitting magistrate at Whitechapel, who upon the single oath of the watchman, convicted the petitioner, under the Vagrant Act, of being a rogue and a vagabond, and adjudged him, with the woman, to one month's confinement and hard labour in the House of Correction, Cold Bath Fields. The petitioner asserted his perfect innocence of any impropriety of conduct whatever with the woman; and, on the fourth day of his imprisonment, he was, through the interference of friends, admitted to bail, and allowed to enter into a recognizance to prosecute an appeal against the conviction. The appeal was heard on the 4th of December last, when the conviction was quashed, at an expense to the petitioner and his friends, of £15. The woman, without the means of seeking redress, suffered the full sentence of a month's imprisonment.

Mr. Dawson insisted upon the justness of the charge which had been made against the petitioner and the woman; affirmed that the merits of the case had not been entered into at the sessions; and that the conviction had been quashed upon a legal technicality. Mr. Littleton defended the Vagrant Act and its framers, and the conduct of the convicting magistrate.

MR. SECRETARY PEEL observed, that the hon. member for Aberdeen had adverted to a great many subjects, the importance of which he did not mean to undervalue: but he was sorry, on account of their importance, that he should have introduced them when presenting a petition, without giving a previous intimation to those who might have afforded some explanation, if the facts had been clearly stated to them. The communication of the hon. gentleman to him (Mr. Peel) had rather misled him than otherwise. He certainly had placed the petition in his hands, and had stated that he was going to present it; but he did not say that he intended to comment on the conduct of the magistrates, or to introduce any observations with reference to the home department. This individual had never sent any petition, praying for a remission of his sentence, neither had the woman made any representation on the subject; and therefore he had no opportunity of applying to the Crown. Some cases had, undoubtedly, occurred under the Vagrant Act, which he had deemed worthy of examination and interference; but of the case now under consideration, he knew nothing, and therefore he had not taken any steps respecting it. He wondered, however, that the hon. member should attack the discretion of the magistrates on this occasion; at the same time he admitted, that the subject was very proper to be inquired into, but not in this incidental manner. The petitioner was accused \* \* \* and, the accusation having been sworn to, he was committed. Now, what did he allege against the witness in his petition? He said, that watchmen were proverbial for their poverty, cupidity, and ignorance. Therefore, as it was a common proverb, that watchmen were distinguished by poverty, cupidity, and ignorance, no person ought to be convicted on the oath of one of them [A laugh!]. It was very well for the petitioner to explain his idea of the probity of those persons; but, if a watchman of good character swore before a magistrate that he saw persons offending against the law, the magistrate must of necessity convict. It was another matter, whether it were fitting that the magistracy should have such a discretion as that which they enjoyed under this act. That was a very different question. The hon. member had referred to the home department, with respect to the reward which was allowed for convictions under this act. Now, it was very true, that by the late act, the sum of 5s. was allowed; but by the former act, the reward was 10s.; so that there was a diminution, instead of an increase of reward, upon conviction. He, however,

thought that this was not to be considered as a positive fine, to go to the minor officers of justice in all cases; and, soon after the passing of the act he had seen the magistrates, and had impressed on their minds, that it was a matter of discretion whether the fine should or should not be granted to the officer. It was for them, in exercising that discretion, to consider whether the individual had acted from a sense of public justice, or merely from a desire of receiving the reward; and he had directed them not to certify to the parish, in any case where the individual making the allegation seemed to be actuated by the desire of gain. Certainly, when the Vagrant Act came under the consideration of the House, although he knew the intention of the hon. member who brought it in was entirely to benefit the public; and the public, he conceived, ought to be much obliged to him—still there were some parts of it on which he meant to submit certain amendments. \* \* \* \* \* At present, there was no discretion. On conviction, the magistrate must commit for a month. His object was to invest the magistrate with a discretionary power, which would enable him to commit for a shorter period. Such an alteration might be effected without trenching on the principle. He agreed in the observation of the hon. gentleman, that great care ought to be taken in the selection of persons to act as stipendiary magistrates; and he must take some credit, both on behalf of his predecessor and himself, for acting on those principles which were likely to insure a proper and efficient selection. Formerly, almost any individual was considered eligible for the office. But Lord Sidmouth and himself had laid it down as a *sine qua non*, that those who were placed in the situation of stipendiary magistrates should have practised three years at the bar, and must, therefore, enter on the duties of their office with a competent knowledge of the law. He never knew of any arrangement, with respect to the appointment of stipendiary magistrates, except that of selecting those persons who were the best recommended, and requiring that the parties should have practised at the bar. The hon. gentleman had commented on the conduct of some of those who held this situation, when acting in their magisterial capacity. He had introduced the names of Mr. Dyer and Mr. Swabey. He thought it would have been as well, when the hon. gentleman had mentioned to him, that he would present this petition, if he had also stated, "I mean to introduce those cases, and I now give you the intimation, that you may have an opportunity of arranging what you may have to say on the subject." But, as these cases were not properly before the House, he thought it would be as unwise as it was unnecessary to notice them further; and therefore he would avoid that topic. The hon. gentleman had observed, that Mr. Dyer had taken moderate bail from one individual, whilst he had refused to receive bail from another. But the hon. gentleman did not seem to have inquired as to the distinction that might have existed between the cases. He had not stated, whether the one case might not have been a misdemeanour, and therefore bailable; whilst the other might have come under the provision of a statute that was imperative on the magistrates. Now, he must contend, that in the case where bail was refused, the magistrate had no discretion to exercise; and, though in the other case the moral offence might have been deeper and more degrading, yet the magistrate must deal with it as the law directed; he could not proceed to consider the moral distinctions between crimes. As to the committals by the magistrates, the *prima facie* statement of the difference was very important, and deserved inquiry. But, on account of its importance, the hon. gentleman ought to have given notice that he meant to bring it forward. He had not stated whether any of the committals were in execution, a point which was of great importance. He had merely said—so many were committed, and so many convicted. But, supposing that a part of those persons were committed in execution, it was impossible that there could be any subsequent conviction. This was important to be considered, and the hon. gentleman ought to have ascertained the fact. As, however, the hon. gentleman would, in the course of a few days, move for account on the subject, it would be better that the whole question should then be debated. When the hon. gentleman brought forward a distinct motion on the subject, he should be ready to meet it, and to give to the House every information which could, with propriety be called for; as he could assure the House, that government had no motive whatever for mystery or concealment.

The petition was ordered to be printed.

## QUALIFICATION OF JURORS' BILL.

FEBRUARY 11, 1824.

Mr. Western moved for leave to bring in a Bill to make certain alterations in the law respecting the qualification of Jurors. In the discussion which ensued,—

MR. SECRETARY PERL said, he did not intend to oppose the introduction of the bill of the hon. gentleman; in fact, in many parts of it he concurred; at least he thought the whole subject well worthy of serious consideration. He thought at the same time, with his hon. friend who had just spoken, (Mr. Lockhart) that no alteration should be made in the system without much consideration; though some of the reasons urged by his hon. friend against an alteration tended to bring him (Mr. Peel) to a directly contrary conclusion. If his hon. friend contended, and as no one would doubt, that the trial by jury was an important instrument for a diffusion of the knowledge of the law throughout all parts of the community, this was surely a reason for extending the privilege of serving on juries beyond the class to which it was now confined. The hon. mover had proposed to admit, as a qualification for serving on juries, the possession of personal property to a certain extent; and he had observed, that this principle was admitted already in corporate towns. But, he doubted in the first place, whether the hon. gentleman did not propose at first to admit too large a class, and whether the possession of a particular amount of personal property would not be found a very uncertain and embarrassing rule to go by. The hon. gentleman proposed, that the possession of £100 of personal property should not only be a sufficient qualification, but that the owner should be entitled, or, if he pleased, compelled, to serve on the juries. But, would it not be a very delicate point to leave to the subordinate officers of any parish or borough to ascertain whether or not each man claiming or being compelled to serve were worth £100? [Mr. Western said across the table “£400.”] It was no matter: he was arguing upon the principle; which implied something too inquisitorial in the functions of the summoning officers. Surely it would be better to adopt some known test by which qualifications were now ascertained—either the book of assessments to the parochial and county rates, or those of parliamentary taxation. Every one rated at £100 or £200 house rent, should be eligible. There were other questions of difficult solution which would meet with proper discussion when the House should come to the details of the bill; but into which it would be very inconvenient to go, during the absence of the attorney and solicitor general. The bill might be introduced and allowed to the committee, and rest there until the arrival of the bill of which he had given notice at the same stage; at which time, to save the inconvenience to which allusion had been made by another hon. member, if the House thought fit, the bill of the hon. member for Essex might be incorporated with the other.

Leave was given to bring in the bill.

## CRUELTY TO BRUTE ANIMALS.

FEBRUARY 11, 1824.

Mr. Martin, of Galway, having moved for and obtained leave to bring in a Bill to extend to other animals the privilege and protection which the House, under a Bill which he had formerly brought in, had afforded to cattle—namely, “to dogs and cats, and monkeys, and other animals,”—next moved for “leave to bring in a bill to prevent bear-baiting and other cruel practices.” The question having been put,—

MR. SECRETARY PERL said, he was as ready as any one to do justice to the motives of his hon. friend, and he did not object to the first of the bills that had been proposed to amend the law for the protection of cattle from wanton cruelty; but the bill which it was the purpose of the present motion to introduce, was an extension so important, that he was surprised his hon. friend did not think proper to enter into the details by which he might conceive it was called for. The hon. gentleman proposed to prohibit certain cruel sports. Now, if the hon. gentleman laid down the general principle, that no pain should be inflicted on animals, beyond such as was



necessary in putting them to death for the support of man, his legislation would be consistent; but he was certainly not fair in selecting partial instances to legislate on, in which the members of the House, the parties legislating, did not happen to be interested [hear!]. It was impossible for him to vindicate the cruelty with which the sports in question were probably accompanied; but at the same time it was impossible for him to forget, that those who would have to pass this bill, for the purpose of putting an end to the sports in which the poor found amusement, were in the habit of pursuing other sports attended with just the same cruelty to animals. The House had last session refused to amend the Game laws, on the express ground, that, by affording a mode of amusement to country gentlemen, they afforded them a motive to residence on their estates. The advantages of this residence he did not mean to undervalue; but, while they thus directly encouraged the wounding of animals in shooting and hunting, they could not with any decency pass a partial law against the same sort of cruelty, when perpetrated by a lower class of people, nor could they make it penal to encourage the antipathies of two animals in bear-baiting, when they encouraged precisely the same antipathies in fox-hunting. Let them abolish fox-hunting and partridge shooting, and they might then abolish bear-baiting. If, indeed, the hon. member alleged that, for purposes of police, it was necessary to abolish a particular kind of amusement, because it brought together disorderly characters, or led to riots, he should have given the allegation the consideration it might deserve; but on the ground of cruelty, it was manifestly partial and unjust to propose it. Who could say that hawking was less cruel than bear-baiting or fishing. Nay, fishing added treachery to cruelty; while, in bear-baiting, the victim was at any rate brought fairly to the stake, and the late Mr. Windham used to assert, had a sort of pleasure in contending against his natural enemies the dogs. Fishing was a cruel fraud practised on innocent and defenceless animals. On what principle, too, did we retain animals in confinement at all? An unfortunate monkey, that was taken and shut up in a cage, and exhibited for gain, was surely ill-treated; and it might be questioned, whether the condition of such a monkey were not as wretched as that of the bear. He should protest against any partial measure on the subject, which would interfere with the amusements of the poor, while it did not interfere with the sports of the rich, as, by making such a distinction, they opened the door to great injustice and oppression.

Mr. Lockhart having suggested, that, as the words "other animals," in the hon. member's former bill included "bears," a further bill for the specific protection of those animals was unnecessary, Mr. Martin consented to withdraw his motion.

## THE TREAD MILL BEFORE TRIAL.

FEBRUARY 12, 1824.

Sir Francis Burdett presented a petition, with which he had been intrusted by Mr. Martin Stapylton, a magistrate in the North Riding of Yorkshire, from which it appeared that the majority of the magistracy at Northallerton had been in the habit of sending persons before trial to the laborious and degrading employment of the tread-mill.

MR. SECRETARY PEEL said, that the subject had been recently before the court of King's Bench, and it would be premature to discuss it at present, more particularly as the hon. member for Shrewsbury had given notice of a specific motion upon the subject. He readily agreed, that if the application of the tread-mill before trial were not illegal, it was at all events decidedly impolitic. The chief benefit of its discipline was, that it inflicted a stigma, and a disgrace, a moral punishment, which would be lost if it were used before trial. Upon a principle of justice therefore as well as of expediency, he thought the punishment of the tread-mill ought not to be inflicted before trial.

At a subsequent period of the evening, Mr. Peel said, that between him and the hon. baronet there was no material difference of opinion. Whatever, he repeated, might be the strict law, upon which he was not prepared or qualified to decide, he had not a moment's doubt as to the inexpediency of placing persons on the tread-mill before they had been found guilty of any crime.

## CRIMINAL JUDICATURE OF THE ISLE OF MAN.

FEBRUARY 18, 1824.

Mr. Curwen rose, pursuant to notice, to move for documents relating to certain alterations which had been made by the Duke of Athol in the Criminal Law of the Isle of Man. The hon. gentleman concluded by moving, "That an humble Address be presented to his Majesty, that he will be graciously pleased to give directions, that there be laid before this House, a Copy of the Instructions to his Grace the Duke of Athol, Governor in Chief of the Isle of Man, directing him to exclude the Keys from further attendance at Courts of Tinwald, for the purposes of General Gaol Delivery, agreeably to the ancient custom and constitution of the Island, which requires the concurrence of a majority of the Keys to confirm and sanction the verdict of the Jury."

MR. SECRETARY PEEL said, he felt some difficulty in meeting this motion, because he had not only to contend with the hon. gentleman opposite as a member of that House, but he had also to contend with him as a Key, and consequently under all the disadvantages necessarily arising from a want of the hon. gentleman's local information and experience. The hon. gentleman had dealt with this question both as a member of that House, and as a member of the insular legislature; and though he might feel satisfied that he should be able to answer the call of the hon. member in his more general capacity, he certainly did not feel himself equally prepared to contend with him in his capacity of Key. He had to observe, in the first place, that the form of the hon. member's notice was somewhat inaccurate. He had given notice that he meant to move for a copy of the Instructions to the Duke of Athol to make alterations in the Criminal Law of the Isle of Man. Now, who would not suppose from this notice, that he (Mr. P.) had given some arbitrary instructions to make an alteration in the criminal law of that island? He would shortly explain to the House the question upon which he was called upon to decide: it was a question of law, namely, whether the House of Keys, which was the popular branch of the legislature, were entitled to be called upon to act upon every jury trial that took place in the island. If, as the hon. member contended, the popular branch of the legislature were also, by the local constitution of the island, a branch of a criminal court, he (Mr. P.) would certainly give him an opportunity of discussing the policy of allowing a court to be so constituted; for he should, without delay, move for an act of parliament to deprive them of the right, and clear all doubts upon the subject. That the popular branch of the legislature should sit upon every jury trial, and control the decision of the jury, was so monstrous an anomaly, that it ought at once to be put an end to. The question of law, however, having arisen, as to whether the House of Keys did form a part of the Court of Gaol Delivery, he (Mr. P.) had referred the case to the Recorder of Liverpool, who was attorney-general of the island. That gentleman took the subject into his consideration, and gave a decided opinion, that there was no ground for such a claim of jurisdiction on the part of the House of Keys; and that a verdict delivered by a jury in the Court of Gaol Delivery, would be binding in point of law, without any reference to the Keys. The governor of the Isle of Man, however, wished to receive distinct instructions from the government on this subject; accordingly he (Mr. P.) had laid all the documents connected with the case, which were extremely voluminous, before the attorney and solicitor general; who had confirmed the opinion which had been previously given by the attorney-general of the island. So far from having issued any arbitrary instructions, to make any alteration in the criminal law of the Isle of Man, he had merely transmitted the opinions of the law officers of the Crown to the governor-general. He had acted upon the best authority to which he could refer upon a point; and he had certainly no doubt himself, that the House of Keys did not form a part of the Court of Gaol Delivery. It was, undoubtedly, possible, that that opinion might be erroneous; but the proper course, by which that question could be tried, would be, to bring it, by way of appeal, before a higher court. Upon these grounds he should resist the motion of the hon. gentleman.—The second point of the hon. member's complaint would be disposed of in a moment. It was said, that one of the judges of this court in the Isle of Man had been removed from his office. The fact was, that the individual had been ac-

cused of corrupt conduct; and on an inquiry, conducted before the council of the island, it had appeared that there was, at least, sufficient grounds for causing him to vacate his situation.—With respect to the third point dwelt upon by the hon. member—the residency of the Isle of Man attorney-general, he thought that it was *dehors* the question before the House, and ought to come on in the shape of a specific motion; at the same time he feared that the House of Keys would scarcely get a very eminent British lawyer (and with no other, for an attorney-general, as he understood, would they be content) to reside constantly in the Isle of Man for a salary of £500 per annum. On the whole, it seemed to him that he had made out a full parliamentary ground for refusing the papers moved for by the hon. member.

MR. PEEL subsequently observed, in explanation, that it was the opinion of the attorney-general, that the House of Keys formed no part of the court of gaol delivery, though it had been occasionally referred to in cases of corrupt finding.

On a division, Mr. Curwen's motion was carried by 28 against 26.

### GAOL LAWS AMENDMENT BILL—TREAD MILL.

FEBRUARY 19, 1824.

MR. SECRETARY PEEL rose, pursuant to notice, to move for leave to bring in a bill to amend the Gaol act passed in the last session. It had been found, upon carrying that act into execution, that there were one or two particulars which impeded its operation, and to amend it in these respects was the object of his present motion. In the first place, the act as it now stood required certain things to be done at the general quarter sessions in each county. The counties of York and Lincoln being divided into districts, and the periodical administration of justice in those counties being under a different regulation, there were no general quarter sessions, and therefore, until by a new enactment they should be included in the act, they could not be brought under its operation. Another of the amendments which he proposed to introduce was, to give to local magistrates a power of committing prisoners to the county gaol at once, instead of to the district prisons. He was convinced that the more this practice was reduced the better; and it would be still more advantageous, if there were only one gaol in each county, to which all the prisoners should be committed. As far as he had been able to gather the general wish of the inhabitants of the districts he alluded to, they would prefer having their prisoners committed to the county gaol, and would willingly pay the expense of carrying them thither. The uniformity of discipline which prevailed in county gaols could never be attained in smaller prisons; while any abuses which crept into the former would be more readily discovered and corrected. The prisons of the local jurisdictions sometimes contained no more than four or five prisoners; they were not subject to the same visitation as the county gaols; nor was it possible to place them under that inspection which was so easily applied to a larger number. There was also another topic which he intended to include in the bill. Great difference of opinion prevailed, with respect to the compelling prisoners who were committed for trial, to labour in the same manner as those who were under sentence. He had no hesitation in saying, that he thought prisoners ought not to be kept to hard labour before trial; but, for the purpose of removing all doubt and difference of opinion upon the subject, he should insert a clause to that effect. An hon. gentleman (Mr. G. Bennet) had given notice of his intention to propose a measure respecting this particular subject, but as he understood that to be only in case he (Mr. Peel) did not take some steps in it, the hon. gentleman would now probably not think it necessary to fulfil that intention. He concluded by moving for leave to bring in a bill to amend the Gaol Act of last session.

At the close of the discussion, MR. PEEL said, that in reply to the observations of the hon. baronet, the member for Somerset, (Sir T. Lethbridge) he should only observe, that he would willingly attend to any suggestion which would afford the best means of giving the fullest information to parliament, on the subject to which the hon. baronet had alluded. But he was persuaded that, for a due control on the expenditure which local burthens created, the local magistracy was best calculated to devise the means. To place such a duty on a public officer for the

country generally, was, in his judgment, most objectionable; and would lead to a much larger expenditure, and to a less efficient check. He must be allowed to add, that if great burthens arose in counties from the expenses of criminal prosecutions, the certain method to reduce the amount, was by a salutary and efficient system of prison regulation. With respect to what had fallen from his hon. friends, the members for the Principality, with every disposition to attend to the particular cases, he felt great difficulty in admitting the principle that there should be no classification of Welch prisons. In his present view of their objections, however, he should merely throw out as a suggestion, that though it was impossible to admit the exemption claimed, yet he thought the difficulty might be met, by three or four Welch counties combining to erect a prison for themselves. The purposes of classification would, in that case, be fully answered. With reference to what had fallen from the hon. member for Westminster, (Mr. Hobhouse) he really wished that hon. gentleman would take the trouble to peruse the returns, which would shortly be laid on the table, on the subject. He (Mr. P.) had caused a most minute inquiry to be made, and the weight of individuals subjected to the punishment of the tread-mill to be noted; from which it would appear, that so far as increased weight was an indication of good health, the punishment could not have operated injuriously. As the labour was only for the short period of a quarter of an hour at a time, nothing could be more easy, if it were found necessary, than to give to the robust man two turns, and to the weak man only one. Indeed, the peculiar advantage of this punishment was, that it could be graduated. If it were said, why, then, was it not? the answer might fairly be, that the magistrates did not find any ill effects on the parties subjected to this discipline. On the whole, he considered the tread-mill as an admirable contrivance, and that no system of labour could be devised which was so little liable to abuse. It was not necessary for him to defend the general conduct of the magistrates of this country. He believed there was only one single case of a misconstruction of the act, and that was in the north riding of Yorkshire; but to remedy that, he should introduce a clause to exempt a prisoner from the labour of the tread-mill prior to his conviction.

Leave was given to bring in the bill.

## JURIES LAWS CONSOLIDATION BILL.

FEBRUARY 19, 1824.

MR. SECRETARY PEEL said, he had to address the House on a subject of considerable importance; namely, the consolidating, and in some degree amending, the various acts relative to the summoning and challenging of juries. It was wholly unnecessary, in this period of our history, or in that House, to pass any eulogium on that great barrier of public security. Neither would it be supposed that any measure he was about to introduce was intended to weaken, in the slightest degree, the efficiency of that admirable system. His object was, to consolidate all the various statutes now in existence, and in some particulars to amend the jury enactments. When he assured the House that there existed no less than fifty different statutes applicable to the summoning, the qualifications, and the challenging of jurors, the very existence of such a fact would show the propriety of consolidating all those various enactments into one act. There were also many of those enactments which had been partially repealed, or whose provisions had, in the progress of time, been made a dead letter. Looking at the titles of some of these statutes, it would be difficult to ascertain that they bore the slightest reference to the impanelling of juries, so mixed up were they with the most incongruous subjects. They would find the title of one of those acts to express itself a provision for the recovery of small fines, and also for the summoning of jurors. Another they would find to express itself as an act for the regulation of vagrants, the exporting of leather, and the ease of jurors. Another went to provide for the payment of seamen's wages, the prevention of clandestine traffic in silk mixed with stuff, and the summoning of persons from juries. Then came a fourth, for the exemption of apothecaries from filling the office of scavengers, and certain exemptions also from serving on juries—so vague and incongruous

were the acts of parliament which regulated the qualifications and the duties of that most important duty. It must, therefore, be an object of general satisfaction to extract from these various statutes, which amounted to twenty at least, all that was valuable and necessary. So far as to the acts which regulated the summoning of jurors. He did not believe that those which referred to the challenging of jurors amounted to so many, but still they were numerous. With the permission of the House, however, he would bring in the bill, and when printed, an opportunity would be afforded for examining those amendments which it was impossible for him at present accurately to describe. He trusted that there would not be found in it a single provision, the effect of which would not be an amendment of the present system. But, the chief amendment would relate to an extension of the qualification of jurors. The bill would also contain some enactments, having in view more effectually to compel the attendance of jurors, and thus to equalize the burthen of the duty on the community. It would likewise provide the means of taking from subordinate officers such as constables and tithing-men, the naming of jurors. Magistrates would have the power of checking the returns of such subordinate officers, of inserting the names of all persons qualified to be jurors, and of punishing the omission of such names. He would defer any further remarks until the measure should be before the House, in a printed form; and would now move for leave to bring in a bill "to consolidate and amend the laws relating to the impanelling of Juries."

Leave was given to bring in the Bill.

### ROMAN CATHOLIC DISABILITIES—PERSONS IN OFFICE IN IRELAND.

FEBRUARY 19, 1824.

Mr. Grattan moved—"That there be laid before this House, a return of the names of the persons holding the following offices or appointments in Ireland; distinguishing those who profess the Roman Catholic Religion—barristers, commissioners of bankrupts; barristers, commissioners of insolvent courts; barristers, commissioners of inquiry into fees, &c. of courts of justice; barristers, taxing officers of law courts; barristers, counsel to the crown for the six circuits, for the assizes of 1823; barristers, counsel to the customs, excise, commissioners of stamp duties, and other government offices; barristers, magistrates (with salaries) of police of the city of Dublin; barristers, commissioners of appeals in revenue causes; chief magistrates under the insurrection and constabulary acts; trustees of the Linen board; general inspectors of prisons; governor, deputy governor, and directors, of the bank of Ireland; scholars of Trinity College; commissioners for distributing the grant to the Lord-lieutenant for promoting education; commissioners of general board of health; commissioners of inland navigation; commissioners for auditing public accounts; commissioners of customs; commissioners of excise; commissioners of stamp duties; commissioners for paving and lighting the city of Dublin; commissioners for erecting fountains in the city of Dublin; commissioners for preserving the port of Dublin; commissioners for wide streets in the city of Dublin; crown solicitors; clerks of the crown; clerks of the peace."

In the debate which followed,—

MR. SECRETARY PEEL said, it was unfortunate for the inference drawn by the hon. member for Aberdeen, that the two Roman Catholic appointments spoken of were not originally made by the English government. They were originally made by the Irish government, and in the late arrangements by the Treasury, they were continued. So that it was unfair to infer, that these were exceptions to the general rule of the Irish government. With respect to the motion before the House, he would say, that if the object were, to show that the Roman Catholics had not their fair share of patronage, the present mode was a bad one. Let the object be fairly stated; let it be shown, if it could be shown, that Roman Catholics, being in other respects equally eligible in point of qualification, were excluded, solely because they were Roman Catholics, and let the *onus* of answering such a case rest with the government. But, he could not think of endeavouring to come at such an object.

by adopting a principle which would say to every man in a public office, "Are you a Roman Catholic, or are you a Protestant?" But, suppose it could be shown that the greater portion of the appointments to public offices took place in favour of Protestants; still, seeing that the great mass of property—he would not say all—was in the hands of Protestants, he could not see anything unfair in it; unless it could be shown, that Roman Catholics with superior, or even equal, qualifications, were refused to make way for Protestants. If such a case could be made out, let it be fairly brought forward; but no tangible object could be gained by bringing forward the question in its present shape. An allusion had been made to the Linen Board. There were 74 members of that Board; it might so happen that they were all Protestants; but then it should be recollected, that the Linen trade was almost entirely confined to the north, which was the Protestant part of Ireland; a fact which would go pretty clearly to explain what had been stated with respect to that Board. But the return which the hon. gentleman had moved, even if granted, would be insufficient; for it ought in fairness to state, not whether Protestants were appointed to offices, but whether Protestants had been unfairly selected, and in what instances Protestants were preferred to Catholics of superior qualifications. He was surprised that the hon. gentleman had not carried his motion further, in order to ascertain the particular faith of various occupations and professions. For instance, he might wish to know of what religion were the ironmongers in Ireland, and whether the majority of the barbers were Protestant or Catholic. There would be, in fact, no end to the inquiry, if it were once commenced.

On a division, the motion was negatived by 38 against 11; majority, 27.

## DELAYS AND EXPENSES IN THE COURT OF CHANCERY.

FEBRUARY 24, 1824.

Mr. J. Williams, at the close of a long and elaborate speech, moved—"That a Committee be appointed to inquire into the Delays and Expenses in the Court of Chancery, and the causes thereof."

MR. SECRETARY PEEL said, that in rising to offer a few observations upon the hon. and learned gentleman's motion, he was fully aware of his total inability to follow him through the various details into which he had gone. He should therefore leave it to his hon. and learned friends near him, if they so thought fit, to enter into the legal points upon which the hon. and learned gentleman had touched; and to account, if they could account, for the delays which had taken place in cases with which they were not acquainted. But, in this view of the case, it was not necessary to enter into all those details in order to form a competent judgment upon the question [hear, hear! from the Opposition]; or if it were necessary to enter into such details, then a due notice ought to have been given, in order that gentlemen might have come prepared to enter fully into an inquiry of the cases quoted. But, as this was a subject which had for some time occupied the attention of the king's government, he thought it right to put the House in possession of the views which his majesty's ministers entertained upon it. And, in doing this, he begged to assure the noble lord, by whom he had been already irregularly interrupted [hear, hear! from the Opposition benches; but we know not to what noble lord the right hon. Secretary alluded], he assured that noble lord, that it was not in his competence to prevent him from doing so. He had already expressed his determination to avoid following the hon. and learned member through all his details, and would therefore come at once to what he conceived to be the main points of the question which the hon. and learned gentleman had advocated with an ability and a moderation which did him the highest credit.

The main points for inquiry were the delays which arose in the process of the causes in chancery; the cause of those delays; and the remedy, or preparatory inquiry to be entered into. The hon. and learned gentleman had told them, that when delays and expenses in the court of chancery had been complained of on former occasions, gentlemen on his (Mr. Peel's) side of the House had risen, and in a tone and manner which the hon. and learned gentleman said he had seldom seen equalled

denied the existence both of the one and the other. Now, for himself, since he had had the honour of a seat in that House, he remembered no such denial. He did not mean to deny that great delay had taken place in the discharge of business, and that great hardship was the consequence. He readily admitted, in answer to the first question put by the hon. and learned gentleman, that the delays that had taken place were attended with many grievances. He admitted the fact, although it would seem that the hon. and learned gentleman expected a different reply. He admitted the fact without hesitation, because, as he contended, it went to prove, that the delay, which was not denied, was not to be imputed to the lord chancellor, or to any individual as matter of crimination. He could adduce for it other causes, which would demonstrate to hon. gentlemen, if they would give him their attention but for a very short time, that the delay was to be attributed to an increase of business in the court of chancery, with which, under present circumstances, no intellectual and no physical strength could entirely cope.

Having admitted the delay, and being, indeed, quite unable to deny it, his next object, would be to prove that the cause to which it was to be traced was the enormous increase of business, of which he spoke. If any body would compare the amount of business in the court of chancery at this period with its amount of business sixty or seventy years ago, he would find (without any very minute information upon the matter) that, *a priori*, the presumption must be, that the business of the court had immoderately increased. In truth, it was impossible that the population of the kingdom should have increased in the ratio it had done, that it should have about doubled since the year 1750, without causing a vast addition to the business of chancery. Could any body deny that that addition was mainly owing to the increase of population? Let the House look also at the increase which had taken place in the same interval of time in funded property, for example (a species of property that, he was informed, peculiarly induced an augmentation of the business of chancery), and they would find it to be in proportion to the increased population. Now, from the peculiar nature of suits relative to personality, funded property originated many more suits than property that was real. Undoubtedly, then, the fair presumption was, that since the time of lord Hardwicke, sixty or seventy years since, the population of the empire had so increased, as of necessity to increase the business of the court of chancery. Let the House observe how that presumption was fortified and confirmed by some details that he would very briefly submit to them; and, seeing that the hon. and learned gentleman had dwelt so much and so forcibly on the importance of figures and facts, when he called the attention of the House to those details into which he had so largely entered, and by which he had excited so much merriment in the House, he hoped the House would show so much fairness to him, in his turn, as to listen attentively to a few facts, by which he proposed to establish the position he had assumed.

And, first, he would take "an account of the orders made upon hearing lunatic petitions," during three separate periods. It should be observed, that he proposed to take his *data* from documents that were already laid before the House. They were appended to the reports made by a committee, appointed by their own House, for the purpose of inquiring into these matters. It was very well known, that a highly important part of the business of chancery arose upon discussions on lunatic petitions. During the chancellorship of lord Hardwicke, from 1737 to 1746, the total number of orders made upon lunatic petitions was 484. During a similar interval of ten years, the number of similar orders made by Lord Eldon, from the year 1801 to 1810, was 1,139, being an increase of more than double, as contrasted with the first of these periods; for it was in the proportion of nearly 1,200 to 500. But, in the ten years elapsing between 1814 and 1823 the number of orders upon lunatic petitions made by lord Eldon was no less than 2,531; so that the present lord chancellor had made five times the number of orders that lord Hardwicke had made in a corresponding term of years. Now, it was to be remarked, that he was not so much instancing this as a proof of the quantity of business to be transacted in the court of chancery, as in the way of accounting for the delay that had been imputed. When the hon. and learned gentleman imputed delay to the proceedings of chancery, he had said, indeed, that he meant no attack upon personal character. But he was very sure that the hon. and learned member would not deny, that his object in calling

the attention of the House to the various papers and statements that he had read was, that the House might draw this inference; namely, that the delay in question was actually attributable to his noble and learned friend at the head of that court. [Hear, hear, and expressions of assent from Mr. Williams.] The hon. and learned gentleman said, "to be sure;" if "to be sure" were his answer, he (Mr. P.) could only say he felt the more gratified in his position, that the business of the court had increased to an enormous extent. "Appeals to the House of Lords" had created another very important duty, which had devolved upon the lord chancellor. In the ten years, from 1750 to 1760, the number of these appeals was 170; in the ten years from 1760 to 1770, their number was 272. In the ten years from 1801 to 1810, they actually amounted to 492; so that the number of appeals from 1801 to 1810, a period of ten years, was equal to the number of appeals heard in the whole twenty years that elapsed between 1750 and 1770.

Now, another very heavy branch of duty was produced by the number of commissions of bankrupt, upon the issue of which it was for the lord chancellor to determine. From 1770 to 1779, the average number of these commissions of bankrupt was 709 in each year; from 1790 to 1800, they increased to the number of 1,000 annually; but, during the last twelve years they had augmented to 2,000 per annum; that was to say, that comparing the two periods, 1790 to 1800, and 1810 to 1822, they had doubled during the latter: and thus another proof was furnished of the enormous increase of business in the court of chancery, and especially of that which was to be performed by the lord chancellor. But he now turned to another head of business, and this was connected with "the number of bills filed, concerning orders made, &c.;" and it appeared that there were filed, in the year 1800, 1,445 bills; in 1820, 2,071; in 1823, 2,827; thus showing, again, an increase in 1823, as compared with the number in 1800, of nearly double, in the number of bills filed in chancery.

Another most important thing to be observed in this part of his statement, and a matter to which he craved the most serious attention of the House, was the amount of property belonging to suitors lodged in the office of the accountant-general. In the year 1740, the total amount of balances, in money, in stock, and securities, in the hands of the accountant-general of the court of chancery, was £1,290,000. In the year 1820 these deposits amounted to £34,000,000. Now, in respect to the extraordinary increase in these sums of money, he well knew it might possibly be argued, that the very amount of moneys in the hands of the accountant-general was one effect of the delays of chancery. He was aware that this argument might be used by the gentlemen opposite, though it might be very difficult to ascertain what portion of such moneys was accumulated by delay, and what was attributable to the growing wealth of the country. With a view to elucidate this subject, he would select different periods of 20 years each, and he should prove, that it had been the tendency of events to double these sums in each successive period. Beginning, then, with the year 1740; it seemed that in that year the amount in the accountant-general's hands was £1,290,000. In the 20 years ending 1760, it had increased to £3,000,000. In the next 20 years, ending 1780, it had doubled, and more than doubled, what it was in 1760, for it was £7,000,000. Now, for the increase of these sums during these periods, the present lord chancellor was certainly not responsible. But, between 1780 and 1800, they were augmented from £7,000,000 to £17,000,000. From 1800 to 1820, they had increased to £34,000,000.

Now, surely he had brought conclusive proof of the proposition that he had been endeavouring to establish; namely, that, from whatever cause, the increase of business in the court of chancery, of late years, was too great for human strength to cope with. Taking the five *criteria* which he had assumed, lunatic petitions, orders, bills filed, appeals, and bankrupt commissions, he thought it impossible to deny, that during the present chancellorship the business of chancery had increased four or five fold. When delay, therefore, was imputed to the noble and learned lord who presided over it, the House was bound in justice to him, and on every principle of common justice, to compare the quantity of business which had devolved upon that noble and learned lord, with the quantity transacted by his predecessors. When he considered what were the claims upon the attention and time of that noble and learned lord, and what was the severe nature of the manifold business that he had to perform, he did hope that it would not be attributed to the feelings of private friendship and respect,



that he entertained for that noble and learned lord, but that the House would give him credit for a sincere and dispassionate declaration, when he protested, that he was astonished, not at the quantity of business that was left undone by his noble and learned friend, but that human ability and strength could effect so much. Let them only consider this fact—that in the course of ten years there had been presented to that noble and learned lord 2,000 bankruptcy petitions annually, and it was really annoying to reflect upon the thousands of commissions that he had to issue. When a man considered the amount, extent, and importance of the different matters that had been enumerated, let him ask himself, how it was possible for any one individual to get through such a multiplicity of business? But, let honourable gentlemen look at the attendance of the lord chancellor in the House of Lords. On this point he would cite two cases only, the Berkeley and the Roxburgh peerages. What was the nature of the noble and learned lord's attendance in the Berkeley case? The committee of privileges in the House of Lords sat, in one year, upon the Berkeley case, for sometime, from ten o'clock till four every day. The number of days upon which, in that single case, the noble and learned lord was called on to attend were 34. The Roxburgh case required of the same noble individual 36 days' attendance on the hearing; the appeal lasting 44 days altogether; so that two cases alone called for the lord chancellor's attendance on no less than 70 days. What was his noble and learned friend to do? How was he to conduct himself on such occasions? Was he to refuse his attendance in the committee of privileges, and to withdraw himself? And if he duly attended his duty in the House of Lords, was it matter of surprise that delays should arise in the proceedings before him in the court of chancery; or was it to be imputed to him that lamentable and injurious consequences sometimes ensued to suitors on that account? He had been informed upon good authority, and indeed by Mr. Cowper (a gentleman well known, for his intelligence and experience, to all who were in the habit of attending in the House of Lords), that in the Roxburgh case one counsel alone had occupied the Lords—how many hours did hon. gentlemen suppose? When they blamed the noble and learned lord for delay, they were bound to inquire whether it were not just possible, that counsel might have some share in producing that delay. [Hear.] He observed those cheers, and well knew that he was at present placed in something like the situation of Oliver Cromwell, who confessed that he had found quarrelling with lawyers a somewhat dangerous engagement. But, when delay was charged elsewhere, be it known that a counsel, whose name he really did not know, had occupied the committee of privileges in the House of Lords—not eighteen minutes, as some might suppose,—nor for eighteen hours, as others would anticipate,—but for eighteen days. Incredible as the fact might seem, it not only appeared upon the minutes of evidence taken before the House of Lords, but it rested upon the information, also, of their officer, Mr. Cowper. If there were any mistake in the statement, not only Mr. Cowper but the Minutes were in error.

What he had now stated, appeared to him to amount to a complete vindication of the lord chancellor, as far as related to the question of delay on his part, and to demonstrate that such was the present state of business in the court of chancery that it was impossible for abilities however great, or a constitution however strong, to bear the fatigues which the country imposed upon the individual who presided over it [hear]. He was proceeding step by step, and was always glad in the course of an argument, to hear how far those to whom he might happen to be opposed concurred with him; and he therefore hailed the cheers that proceeded from the other side with pleasure. If gentlemen on the opposite side would admit, that what he had stated was a complete vindication of the hon. and learned judge, he would admit to them, that they had made out a case of complete justification for inquiry and consideration, in respect to his court. It was quite impossible for him to deny, upon a review of all that had been said as to the constitution, the proceedings, and the delays of the court of chancery, that the time was now come when the whole of these matters should be thoroughly inquired into. In the course of the last session, the attention of the House of Lords had been drawn to the state of the Appellate Jurisdiction; and in the result of their inquiries, the Lords had come to the same conclusion at which he had arrived. The words of their committee were, "There is now a manifest impossibility that any person holding the great seal can find the time that is requisite

for the execution of the offices of Lord High Chancellor and of Speaker of the House of Lords, and for the transaction of all the other business incidental to those high offices." With a view of remedying the evils that were occasioned by the state of the Appellate Jurisdiction, the committee in question recommended, "that a committee be instituted for the purpose of inquiring into the forms of proceeding observed in the Scottish courts of justice." That committee was formed; and he would only say of it, that it had terminated its labours with great success, and had given great satisfaction to that part of the country to which those labours were more immediately addressed. In the concluding part of their report the commissioners entered into an explanation of the state of business in chancery. Many important alterations, upon this important subject, were then noticed as having been suggested; but they concluded their report by declaring, that they could form no decided opinion upon these matters; acknowledging, however, that many recommended especially, the removal, from the business of the lord chancellor, of lunatic and bankrupt petitions. They stated further, that all these were points of such great importance, that they would recommend their being maturely considered. Since the time when this report was prepared, the attention of the lord chancellor himself, he was authorised to say, had been directed to the same subjects. It was stated in the report, that the orders made by former chancellors, as to the practice of the court, were then under consideration. It was indeed, then intended to ascertain which of these were most conformable to the present practice, and when these should be submitted, the Lords would determine upon such alterations as it might be deemed most expedient to propose.

Now, having stated thus much, he was further prepared to say, that his noble and learned friend had himself recommended the adoption of some alterations. That noble and learned lord had advised, that a commission from the Crown under the great seal should issue, for the purpose of considering and inquiring into the present condition of many important matters connected with the court of chancery: that it should examine into the state of its jurisdiction, and into many of the points to which the proposed committee of the hon. and learned gentleman was to address itself. Indeed, into all of those with one exception only. That was, the political powers and the political character of the lord chancellor—a point which he (Mr. P.) considered to be a great one, and such as neither the hon. and learned gentleman's committee, nor the commission that had been just adverted to, was properly competent to discuss. Sure he was, however, that the hon. and learned member would agree with him, that to divest the lord chancellor of the political duties of his office, would be to do an act that ought not to be determined upon, except upon the gravest and most careful deliberation. He was equally sure that the hon. and learned gentleman would bear in mind, that this objection to the investment of the Lord Chancellor with political and judicial powers, had not always been felt, even by those who thought and acted with that honourable and learned gentleman. This extreme objection to the union of political and judicial functions, in the case of a late noble and learned lord who once presided over the criminal jurisdiction of this country (Lord Ellenborough), had undoubtedly not been felt even by the hon. and learned gentleman himself. Without meaning to apply any thing like the *argumentum ad hominem* to that hon. and learned gentleman, he would only say, that in the case he alluded to, the objection really did not appear to have operated with some members who might now maintain a different principle.

But the hon. and learned gentleman proposed that a committee should inquire into the expenses of the court of chancery, and into its delays and the causes thereof. He had no hesitation in saying, that he believed very great benefit might be derived from such inquiry. The hon. and learned gentleman had entered into the details of a case of great hardship; but it was possible that very objectionable forms might have been once used that were not now in practice. The hon. and learned gentleman had found a case in which a bill in chancery consisted of 90 folios, six only of which, he said, were relevant, and the other 84, he observed, might well be dispensed with. Now, he had no difficulty in stating his belief, that the reduction of those 84 folios might be an important matter, not only in point of justice, but also in point of economy. Upon the subject of that fund, which was called the "dead money" fund, the hon. and learned member had asked, why should not the accountant-general of the court of chancery give, from time to time, an account of the moneys, in his hands,

under these circumstances, on the same principle that the Bank of England published at stated intervals an account of unclaimed dividends remaining in their coffers? Really, without understanding any thing about such matters, practically, and speaking only as an unenlightened man without experience, he should say, that the hon. and learned gentleman's suggestion was a proper one; and, indeed, he only claimed to reserve his opinion upon it, upon a ground which the hon. and learned gentleman would not dispute, namely, lest any thing should arise that might induce him to think differently upon the expediency of such a proposition. He had as little difficulty in declaring, that he thought the whole proceedings of every suit in chancery, from its institution to its termination, ought to be narrowly watched and exactly traced; and that every stage (of course he was speaking prospectively) ought to be accurately considered, in order to see how far the business might be expedited and the expenses retrenched. Great benefit undoubtedly might result to the public from such a course of observation. As to the bankruptcy petitions, they formed a part of the lord chancellor's duty which was not constitutionally inherent in his office, but had devolved upon him by act of parliament. On this topic, he admitted that the lord chancellor had too much business imposed upon him, and that the object of the commission which he had alluded to ought to be, to inquire what part of that business could properly be abstracted from him. Upon this subject, it was of importance to notice that a great difference of opinion had prevailed among legal men. The late sir Samuel Romilly had differed from the hon. and learned mover, as to the propriety of continuing to the noble and learned lord the jurisdiction in bankruptcy cases.

As to the inquiry proposed by the hon. and learned gentleman he had no objection to its being instituted, if it were intrusted to the most competent authorities. As to the constitution of such a commission, he well knew how difficult it was for a man to divest himself of his own particular prejudices; and therefore, perhaps, the hon. and learned gentleman would suppose, that his (Mr. P.'s) only object was, to defeat his motion for a committee. He meant, however, to declare his own conviction, that a commission might be issued to inquire into the subject, and that it would answer the purposes of the public much better than a committee of that House. That commission might be directed to persons who, from the habits of their lives, were peculiarly fitted to execute its objects—to the judges, to the high practitioners of the law, and to those who had retired from the judicial seat—to lord Redesdale, and sir William Grant. [A laugh.] He did not see why his mentioning the names of lord Redesdale and sir W. Grant should have excited a laugh. He observed the dissent expressed by the hon. and learned gentleman; but that hon. and learned member was not in a situation to see the sneers that had been occasioned by the mention of those names. After retiring from their high situations with the universal approbation of their fellow-countrymen, if these enlightened individuals could be induced to form part of such a commission, much benefit might the country expect from the experience of those who had retired with such honour from the judgment seat. If to these were added some of the senior masters in chancery, could it be doubted that such a commission would be better qualified to consider such grave matters, than any committee of that House which the hon. and learned gentleman could propose? Now it was precisely such a commission that the lord chancellor had advised the Crown to appoint; and he (Mr. P.) should support it, because he believed that it would be more effectual than any other. Dealing in perfect candour with the hon. and learned gentleman, he would tell him that such a commission as he (Mr. W.) had now proposed, and had last year proposed, would have the semblance of a crimination of the lord chancellor; and he for one would oppose any motion that should seem to criminate a judge who had presided for two-and-twenty years in the court of chancery, with so much honour to himself and benefit to the country, as the present lord chancellor had done.

Having said thus much, he would abstain from observing on the political character, and the great abilities of lord Eldon. He knew that he would not be entitled to much attention, were he to speak of him in a political sense. The House would remember that they had nothing to do, upon the present occasion, with the political character of the noble and learned lord. His judicial character alone was under their consideration; and in that capacity the noble and learned lord was, according to his judgment, entitled to the gratitude of the country. No man had ever been

more exposed to the most base and unmerited obloquy than the lord chancellor had been. He (Mr. P.) well knew, that the spirit and the principles of men of honour would prevent that nobleman's warmest opponents in that house from giving their protection to such calumnies; but misrepresentations of the most unjustifiable nature had been made in quarters which the lord chancellor could not possibly notice. He had been described as a man realizing enormous emoluments and resisting every attempt at a reform in the court over which he presided, by which those emoluments might be in the most distant manner affected. Never was a charge more unfounded than this brought forward. As to the profits of the chancellorship, they might be large, but, would any man in the country say, not upon views of a private nature merely, but upon the highest reasons of state, that such an officer ought not to be splendidly paid? The fact was, however, that, during the last three years, the average produce of the lord chancellor's whole emoluments had not amounted to more than £12,000 a-year. Surely none of the hon. gentlemen opposite would grudge to the laborious discharge of such various and heavy duties such a remuneration to the lord chancellor of England! Let them only think of what vast importance to the state it was, that a man should be tempted to remain in such an office, and relinquish that private and more extensive emolument which, in another situation, he might realize. The economy which would seek for a diminution of the lord chancellor's income, would be a miserable economy. When any proposition had been made to relieve the present lord chancellor from any part of the duties of his office, he had always proposed that the person selected to discharge it should be paid by himself, individually. What charge, then, could be more unjust than the one which had been made; seeing that the lord chancellor had directed, that the salary of these deputies should be deducted from his own income? Contrary to his lordship's wish, parliament had determined that only one half of the vice-chancellor's income should be provided by the chancellor; but this half, a sum of £2,500, was annually taken from his lordship's purse. When such base insinuations were thrown out against such an individual, the public had an interest in becoming acquainted with facts of this nature. Not long ago the office of the Secretary of Bankrupts was newly regulated, and, like the Bank of England, it had been previously allowed a certain number of holidays; but the lord chancellor, with a view to the despatch of public business, and for the benefit of suitors, had insisted that the office clerks should attend every day. It became, therefore, necessary, that they should be endowed with additional emoluments; and, from what funds did the lord chancellor of England provide them? With a disinterestedness never known before under such circumstances, he had furnished them from his income;—a sacrifice which, in three years, amounted to £13,000, paid to public individuals for the discharge of their public duty. It had been stated, moreover, upon authority which if now alive would give the statement the widest contradiction, that the lord chancellor invariably despatched lunatic and bankrupt petitions, because he derived emolument from their despatch. Now, the fact was, that though the nature of these cases at all times required the utmost expedition, he received not a single sixpence for despatching them. He was now occupied in hearing a bankrupt petition. He knew not how many days the hearing had lasted; but this he knew, that the lord chancellor's fee upon it, was 12s. 6d.; and, was 12s. 6d. a fee that was to induce the lord chancellor of England to commit a manifest injustice, by taking a bankrupt petition out of its course! The calumnies which he had noticed, he knew were not sanctioned by the hon. and learned gentleman who brought forward the present motion, nor by those who supported him. The hon. and learned gentleman admitted the integrity of the noble and learned lord; but the charge from the hon. and learned gentleman was, that the decisions of the court of chancery were attended with delay, to the prejudice of the suitors of that court. To that he would reply, that if there could be found an individual highly gifted, who had filled that high, arduous, and responsible situation for more than twenty years; who, to unrivalled talents, to profound and varied knowledge, had united unspotted integrity and honourable fame; if such an individual could be found, to the honour of his profession and of his rank, he should think that, in the eyes of the House, the recollection of his virtues, and of his honourable labours, would obliterate all minor faults—if any such could be brought home to his door. His faults, if he had any, proceeded from an anxious and conscientious desire

to promote the best purposes of justice. In whatever way the question was viewed, it must be acknowledged that—

“E'en his failings leaned to virtue's side;”

and the unwillingness of the lord chancellor to pronounce judgment, not unfrequently, perhaps, arose from a knowledge, that the effect of it would be, to raise one family to prosperity, and to inflict ruin upon another. Allowances ought, in mere charity, to be made for human infirmity, even if the delay arose in a few cases from constitutional defect; and, into the opposite scale should also be thrown the ready admission of all parties, that the individual in question possessed as many high talents and as much spotless integrity, as had ever adorned the legal profession. Not only did these delays arise from the enormous mass of business, to which he had already referred, but they were produced sometimes by other causes. It was true, as the hon. and learned gentleman had said, that the lord chancellor was sometimes called away from his court, and that a promised decision had sometimes not been pronounced. He could state instances in which the noble and learned lord had been called away from the consideration of causes in the court of chancery to attend to business of a different description. He (Mr. Peel) himself had frequently been the occasion of withdrawing the lord chancellor from the court over which he presided, to attend to the Recorder's report; on which it was the duty of the lord chancellor to give his advice to his majesty. The noble and learned lord was in this manner very frequently prevented from the contemplation of equity causes to the consideration of those cases in which were involved the question of life or death. It had fallen to his lot to send to the lord chancellor at the rising of his court, to inform him, that on the ensuing morning his majesty would receive the Recorder's report, containing, probably, forty or fifty cases. On proceeding from the court of chancery, the noble and learned lord would as was his uniform practice on such occasions, apply himself to the reading of every individual case, and abstract notes from all of them; and he (Mr. Peel) had known more than one instance, in which he had commenced this labour in the evening, and had been found pursuing it at the rising of the next sun. Thus, after having spent eight hours in the court of chancery, the noble and learned lord often employed twelve or fourteen more in the consideration of cases which involved the life or death of the unhappy culprits. If, in consequence of the various duties which the lord chancellor was called upon to execute, some delay should arise in the proceedings in chancery, could it be imputed as blame to the individual, when it was known that his whole time was devoted to the service of his country? If, indeed, it were the disposition of the lord chancellor to indulge in pleasures and idle amusements, he might justly be blamed for the delays which occurred in his court; but, when, as was really the case, that individual had for a period of two-and-twenty years, denied himself every indulgence, shunned every pleasure, and secluded himself from the society of the world, in order to devote his whole time to the performance of his public duties, it would be the most unjust thing possible to make it matter of crimination against him, that he was not able to compass the whole of them. He would admit, that no considerations of personal feeling ought to prevent the House from doing what it considered proper to be done, with regard to the question which had been brought before it; but, on the other hand, when he recollected the speeches which were made last year, he could not, notwithstanding the moderation of the hon. and learned mover on the present occasion, get rid of the impression, that the motion before the House was a continuation of that of last year, and that such would be the inference which it would draw from the proceeding, and he therefore called upon the House to reject it. He was perfectly satisfied that if the House did so, the country would confirm its decision. The people of England were not ungrateful to those who had served them. When the House recollected, that the individual whose conduct had been made the subject of discussion, had for two-and-twenty years administered justice in the highest court of the country; when they recollected that he bore the honoured name of Scott, which, notwithstanding the temporary obloquy which had been cast upon it, illustrated as it was by the services of an Eldon and a Stowell, would shine conspicuously in the judicial annals of the country, he trusted that they would testify their confidence in his talent and in-

tegrity, by rejecting the motion which had been brought forward; and he was convinced, that the people of this country would be generous, and just enough to acquiesce in the decision of their representatives. [Hear.]

Mr. Williams having been heard in reply, the motion was withdrawn.

## BEAR-BAITING, &c.

FEBRUARY 26, 1824.

Mr. R. Martin, of Galway, rose pursuant to notice, to move—"That a select committee be appointed, to inquire, whether the practice of Bear-baiting, and other cruel sports, has a mischievous effect on the morals of the people."

In the debate which ensued,—

MR. SECRETARY PEEL disclaimed any intention to throw ridicule on the motion. There was nothing ludicrous in the subject, though there might be in the way of treating it; and, if his hon. friend himself smiled at the hon. baronet's (Sir R. Heron) illustration of his argument from the mode of eating oysters, others might surely be pardoned if their risible muscles were similarly affected. The argument of the hon. gentleman who had last spoken, was this—uneducated people frequent barbarous sports. One of his own conclusions was perfectly just—"Educate the people;" but it was no argument for a special enactment to repress a particular species of amusement. On the contrary, the converse of the argument might be maintainable: in uneducated persons it might be said, an excuse can be found for these unphilosophical and barbarous sports; but educated men, who could derive amusement from literature or other pursuits, were the very individuals who ought to be punished for resorting to cruel sports. If his hon. friend began by laying it down as a principle, that all animals were under the protection of man, why did he limit his claims? Why would he protect the rough bear and the strong bull, who had at least a chance with their adversaries, and leave the unfortunate hare, the partridge, and the snipe, who could not resist their enemies, open to persecution? Why did not his hon. friend put down fox-hunting, which was just as cruel as badger-baiting? He could not call upon the House to accede to the motion, merely on the melancholy story of an individual bear, or badger, that had been ill-treated. Every man who pursued field sports must know, that in the course of them a vast deal of unnecessary suffering was inflicted on the animals. It would be easy for him to detail five hundred instances in which animals had suffered extreme pain; but the House would not suffer its judgment to be misled by its feelings so far as to legislate on such grounds. If the House were to act on this principle, they might extend their cares over a very wide field, for there was not a single sport in which animals were concerned that was not in its nature productive of pain and cruelty. How often might it occur, that a man of large fortune, particularly attached to that particular sport, should challenge all England to a grand cock-fight? His hon. friend said, he would put down cock-fighting. This was just what he (Mr. Peel) apprehended. His hon. friend would come to the House, session after session, now with some tale about a cock, and now with one about a bull, and call for enactments on each occasion. Why did he not attack horse-racing? His hon. friend seemed to say, that he desired him to do so. Now, he did not desire his hon. friend to do any such thing. What he desired of him was, that he would forbear legislating on such subjects altogether. They were too minute—too much the property of local custom and regulation—to be fit matters for legislation. It was not that he meant to say the people might not be better without them; but even upon that consideration, it did not follow that the enactment which his hon. friend desired, ought to take place. Much might be said (pursuing this principle) in favour of a more extended and vigilant system of police, which, by perpetually communicating between one town and village and another, might greatly tend to diminish crimes and to protect property; but he had no hesitation in saying he liked the existing system with its imperfections better: he preferred England as it was, to what it might be under such an alteration of her police. He liked even the wild luxuriance of the plant; and would be the last to cut and trim it down to the prim precise standard which the hon. gentleman's propositions would

go to establish. He would rather that the House should turn its eyes away, than select the sports of the people for penal enactment. The fact was, however, that cruelty was by no means the vice of England, generally. As to what his hon. friend had instanced about the scenes that took place in the neighbourhood of Westminster, he thought him in error upon that point also; for he (Mr. P.) would punish the educated, and not the uneducated individuals who attended on such occasions, upon the principle that, if mischiefs were created, they were attributable to those who should have been aware of the fact; and that the habits and morals of the poor ever follow the course of the morals and habits of the rich. With singular inconsistency the hon. gentleman stated, that those scenes were attended only by the rabble; and in his very next sentence, he lamented the evil example they afforded to the patrician scholars of Westminster who were to be seen there. Could the hon. gentleman doubt who were the proper objects of his censure? But it was evident, that all this time the thing could not be prevented; for nothing would justify magistrates in dispersing a crowd assembled to witness a sport that was not illegal, even if the exhibition of that sport were likely to lead to some bad acts. On what principle did his hon. friend forbear putting down Ascot and Epsom races, to which, however, he annually withdrew himself, with many other members of the House? All the world knew that races were scenes of constant riot and confusion; but they were invariably attended by people of the highest rank and character, as well as by the rabble. He would contend that such amusements ought to be allowed. After the toils of the day, it was proper that there should be some places of relaxation—some species of amusement for the lower order; and if these were sometimes attended by shades of cruelty, it was far better so, than to introduce into the country one rigid system of undeviating morality. But, admitting that all such things were wrong, it was not clear they could be repressed by laws. There were many virtues, such as benevolence and charity, and he believed humanity was amongst them, which could not be inculcated by laws. The House must take care, in legislating, that they did not introduce worse evils than those which they attempted to cure. The arguments urged by the hon. member, as to the poor taking an example from the rich, should teach him, that the effectual way to improve the morals and amusements of the former, was to set about improving those of the latter. The House would do well not to give the world occasion to say, that the rich, in putting down the sports of the poor, preserved their own; or that they

“Compound for sports they are inclined to,  
By damning those they have no mind to.”

They would do well to take care, that in legislating for the abolition of cruelty, they did not introduce new vices among the people. He would like to ask his honourable friend, whether he really believed that there were twenty bears kept for baiting in all England? [Mr. Martin seemed to express an assent.] If his hon. friend could prove that there were twenty he did not think it would alter the case, as to the necessity of putting them within the protection of a statute. Nor could he understand how it happened, that his hon. friend proposed to spare our alien enemy, the bear, and to leave out of this amnesty those natural-born subjects, the hare, the partridge, and the pheasant. The powers of inquiry which this House possessed, were notoriously great; and, indeed, they had been not unaptly compared to the proboscis of the elephant; which, possessing sufficient strength to tear up by its roots the oak of the forest, had yet a capacity to select and lift up the minutest things. On the present occasion, he certainly did not think that those powers could be exerted by the House with dignity, advantage, or propriety. There was one species of cruelty to which his hon. friend had not adverted. It was, however—and he said it with sincerity—but too common; he meant the spinning cock-chafers upon a pin, suspended at the end of a string. In common consistency his hon. friend should bring in a bill to prevent children in future from spinning cock-chafers. Because he thought that on such a subject legislation was not necessary—would do no good, and would not conduce to the interest of the brute creation, he should refuse his consent to such a legislative enactment as his hon. friend asked for.

The motion was negatived without a division.

COMPLAINT AGAINST THE LORD CHANCELLOR ELDON.—  
BREACH OF PRIVILEGE.

MARCH 1, 1824.

Mr. Abercromby rose to address the House, in consequence of an alleged imputation on his character, by the Lord Chancellor, with reference to what he (Mr. Abercromby) had said in his place in that House, in the course of the debate on Mr. Williams's motion on the delays and expenses in the Court of Chancery. The exact words complained of, with reference to the hon. member, Mr. Abercromby, were, "It is an utter falsehood!" These words, the hon. member contended, constituted a breach of privilege; and he therefore, at the close of a speech of considerable length, declared his intention of moving, in the first place, to call evidence to prove the expressions used by the Lord Chancellor. And he accordingly moved, "That Mr. Farquharson, (a short-hand writer, who had heard and reported the alleged expressions) do attend this House to-morrow."

After Mr. Secretary Canning, Mr. Brougham, the Solicitor General, Mr. Scarlett, the Attorney General, and Mr. Tierney, had respectively spoken,—

MR. SECRETARY PEEL observed, that he was by no means inclined to pursue the course just recommended, namely, for the House to take the first step, and then to meet the difficulties that must inevitably present themselves. It was his opinion, that it would be infinitely better calmly to weigh those difficulties before the House was involved in them. There were here two questions that seemed to have been confounded; first, had there been any breach of the privileges of the House, or such a breach as it was expedient to notice? secondly, had there been any attempt to threaten any member of the learned profession, in order to deter him from the discharge of his duty? The latter appeared to him infinitely the more important; for a breach of privilege was of far less consequence than it would be to consider whether there had been an attack upon the independence of a member of parliament. As to the first question, it was certainly very difficult for any individual to say in how many instances in the day the privileges of the House were infringed. Members themselves were guilty of constant breaches; and within the last two years constant and irregular references had been made to the proceedings in the House of Lords. The grosser offence was avoided by talking of "another place," and of speeches delivered there; but this was a mere evasion; and perhaps it would be much better to make direct allusions, and at once to answer remarks made by the peers, than to resort to this apparently unworthy expedient. It was most material to this discussion, to remember, that the origin of it was a direct breach of privilege, at which the House connived—namely, the publication of its proceedings. It had the power to enforce its orders; but he admitted that it was much wiser to continue the permission, than to put a stop to the practice. There was a balance of evils; but the advantage predominated in favour of the publication of debates. Yet great inconveniences sometimes arose, and the present was a striking and pregnant proof of the mischief. The hon. and learned member had made a speech reflecting on an individual—it was printed next morning, and it was wafted, not only to every district of this kingdom, but to all parts of the world where the English language was understood. The speech contained a charge against the first judge of the land, that he had evaded an act of parliament, in order to disparage another judge, his coadjutor; and a regard to common justice, independent of feelings of wounded honour, induced the Lord Chancellor to come forward and deny the accusation. On what ground did the House permit the publication of its debates? Because it felt sensible of the immense advantages of free and unrestricted discussion; but, if the publication carried falsehood on the face of it, an opportunity ought surely to be afforded for asserting the truth. If the House enabled false charges to be made—if it promoted their circulation—it never could reconcile with its sense of justice, a refusal to allow the party calumniated an opportunity for vindication. If, with the warm feelings of an Englishman, the party had made use of intemperate language, he (Mr. P.) maintained that the distinction was just, that the Lord Chancellor had not been guilty of the first attack. Being himself accused, he claimed the ordinary right of being heard in his own defence, and he had declared, "I am not guilty,"



or, in other words, "It is an utter falsehood." It would be, indeed, the establishment of the grossest tyranny, if calumnious debates were to be published, and no means of refutation were afforded to the party attacked. An hon. and learned gentleman had said, that on his person or his property he might endure an attack, but that his character must be preserved inviolate. The Lord Chancellor said the same. If his character were assailed, and he had no opportunity of defending himself in the place where it was attacked, he was driven to the press, through the medium of which he was injured, to repel the imputation. The whole question was altered by the connivance at publication; but, when an hon. member printed his own speech, a court of justice drew the distinction: he made himself personally responsible, and must answer for it in damages, [hear! from Sir F. Burdett]. The hon. member might intimate his dissent; but there was a clear distinction between the publication in a newspaper, and the authorized publication by a member. The case of Mr. Hope had been mentioned. Conceiving that his character was attacked, what did he do? He applied to the member whose speech was reported; and that hon. and learned gentleman might very reasonably reply, that he did not feel himself responsible for what appeared in a newspaper. He (Mr. P.) did not wish to dwell upon a topic which must be mingled with painful feelings in the mind of the hon. member; he would therefore only say, that the House had very fitly voted Mr. Hope guilty of a breach of privilege. But what course was pursued with regard to Mr. Menzies? He had not appealed to the hon. and learned member regarding his speech; he found something printed in a newspaper, and, as it was false, he gave it a contradiction through the same channel: the resolution, therefore, was merely, "that Mr. Menzies having explained his conduct to the satisfaction of the House, he is relieved from further attendance." He would concede that the hon. and learned member for Calne was able, in this case, to prove all he had stated; but the Lord Chancellor could not be brought to the bar for a breach of privilege, because he had taken upon himself to contradict only what he found reported in a newspaper. The subject was complicated to all but professional men; but it appeared that motions made before the Vice-Chancellor might be repeated before the Lord Chancellor, without the signature of counsel; but appeals after decree could not be heard, without that sanction and security. It was easy for a newspaper to make the mistake; one individual, or several, might fall into error in making the report. Newspapers, however, were generally considered the best testimony; and if the point were examined, it would be found, that the speech of the hon. and learned gentleman on Tuesday last, was not correctly given in any of the ordinary vehicles of such intelligence. He implored the House to compare the accusation with the defence. The charge, as it appeared in the newspaper, was, that the Lord Chancellor, departing from the practice of his court, had violated an Act of Parliament passed in 1813; when the fact was, that in that Act there was not a syllable regarding the signature of counsel to appeals. Confirmed, however, as this statement was by other newspapers, was it not natural for the Lord Chancellor to take an opportunity of setting himself right? Was it not, under such circumstances, he would not say necessary, but natural, for the Lord Chancellor to refute such an imputation? And in what way had he done it? These were his words—"That as it had been represented, that the person who sat here did mischief, by hearing certain motions without the signature of counsel,—that was to say, when motions had been made to discharge an order of the Vice-Chancellor, or the Master of the Rolls, that such motions had been brought on without the signature of counsel,—he had only to state, that having been in this court since 1778, whenever a motion had been made before the Master of the Rolls, which he had refused to allow, or which he did allow and upon an application to the Chancellor to vary what the Master of the Rolls had done, or to destroy it altogether; and so again, whenever a motion had been made before the Vice-Chancellor, and counsel had been of opinion that the motion had been improperly granted or discharged, the party had always, in all those cases, been at liberty to move again, with a view to set the matter right; and if the signature of counsel were necessary to alter the practice of the court as it had obtained since the period he had mentioned, all he could say was, that he had not a right to tax the king's subjects in that way." Could any thing be more moderate than the remark of the sentence which he had just read? So far, there could be nothing

more temperate. Could common flesh and blood bear an imputation of the nature alluded to, without resistance? The publication of any speech delivered in that House was technically a breach of privilege; but the practice, however informal, prevailed; and often became the subject of reference. Was it not the practice of judges to protect from misrepresentation the proceedings of their courts? He knew that Lord Hardwicke, upon pronouncing a particular decision, had unequivocally declared, that it was one of the chief duties of a judge not to allow his judicial proceedings to be misconstrued. He had said that there was no one duty more important in a court of justice, than to have its proceedings set right with the world. The next sentence in the speech of the Lord Chancellor to set himself right, was that of which the hon. and learned gentleman principally complained: it was this—"with respect to appeals and rehearings, it was supposed that he had heard them on new evidence, and thereby brought discredit on some part of the court. It was an utter falsehood." Now, with reference to that sentence, he entered entirely into the feelings of the hon. and learned gentleman, and agreed that the reflection could not possibly attach to him; but the question he would ask was, did any of these terms constitute in themselves a breach of privilege? He was not prepared to say that the terms used were fit and temperate; but he contended, that this strong and vehement denial of a charge did not constitute a breach of privilege. He knew that technically any allusion to speeches, delivered within the walls of parliament, was a breach of privilege; but he again insisted, that strong terms of denial, under whatever excitement, did not on that account constitute a parliamentary offence. Suppose the noble and learned lord, instead of using the phrase "utter falsehood," had said "extremely erroneous;" in that case he was quite sure they would never have heard of the present motion. No doubt the expression was entirely misapplied when it was pointed at the hon. and learned gentleman, and could only have been intended against the newspaper report of his speech. Nothing could be more moderate or temperate than the words which followed from the lord chancellor, who said, that in "rehearings, it was always competent to read the evidence given in the cause, though it was not read in the court below, either by the counsel or the judge: further than that, the court did not go. On appeals, it only read what had been read in the court below, and that practice he had never departed from in any one instance." But then came the following two or three lines which were objected to—"therefore, really before things were so represented, particularly by gentlemen with gowns on their backs, they should at least take care to be accurate, for it was their business to be so." He (Mr. P.) fully admitted, that that was not the way to allude to gentlemen of pre-eminence in their profession, and he was quite persuaded, that his noble and learned friend would not have used the objectionable words, had not he been at the instant under great irritation from the imputation which he supposed had been levelled at him. The terms "with gowns on their backs," were not meant to convey any personal reflection—they amounted merely to a professional designation of the *togati*, which was the costume of the courts. He was sure, then, that there was nothing in the particular expressions, which clearly were the emanation from excited and irritated feelings, that called for the interposition of the strong arm of parliament upon a question of privilege.—As to the supposition, that the lord chancellor could have had any deliberate intention of intimidating a member of that House from the discharge of his duty, this would undoubtedly be an offence of ten-fold greater magnitude; but he was sure the House would be perfectly satisfied that no such intention existed. Indeed, the hon. and learned member for Peterborough (Mr. Scarlett), who was so distinguished an ornament of the court of King's-bench, though he had taken a decided part in that House in questions affecting the court of chancery, had still declared, that he had been uniformly treated by the chancellor with the greatest justice, impartiality, and even personal courtesy. If the chancellor had intended to select a particular part of the discussion which had taken place on Tuesday, as the subject of animadversion, he would put it to the House whether it were probable that he would have selected the speech of the hon. and learned member for Calne? He was quite satisfied that there existed no intention of throwing any imputation on that hon. and learned member, and though undoubtedly some strong expressions fell from the chancellor in a moment of irritated feeling, he felt the strongest conviction that there existed

no deliberate intention of invading the privileges of that House, and still less of holding out a threat against any member, with a view of intimidating him in the discharge of his parliamentary duties. If the House considered that he had succeeded in establishing these two propositions—first, that the terms used by the chancellor did not of themselves constitute a breach of privilege; and secondly, that he had no deliberate intention of intimidating a member of that House from the discharge of his duty, he trusted that these considerations would prevent them from adopting the course recommended by the right hon. gentleman opposite (Mr. Tierney), a course which he himself admitted abounded with difficulties, not one of which he had attempted to solve.

At the close of a long debate, the House divided: ayes, 102; noes, 151; majority against Mr. Abercromby's motion, 49.

## THE SILK TRADE.

MARCH 5, 1824.

Mr. Baring stated, that he had a petition to present on a subject of the utmost importance to the petitioners and to the country at large. It prayed the House not to consent to the proposition for taking off the prohibition on the importation of manufactured silks.

In the course of the discussion which ensued,—

MR. SECRETARY PEELE observed, that the hon. gentleman who spoke last (Mr. Ellice) had used two arguments, both of which he should like to submit to him calmly, and not in his capacity of member for Coventry. The first was this—"I admit the force of your reasoning in favour of a liberal system of commercial policy. But I ask you to look for some other prohibition that may safely be removed." Let the hon. gentleman point out any other branch of manufacture in which any such prohibition existed. In fact, there was none; and the hon. gentleman assumed the general policy to be prohibition, whereas, silk alone was the exception. Did not this afford one strong reason for repealing it? On steel, cotton, wool, and all the other great articles of manufacture, there was no prohibition, and yet in these it had been found that we were able to defy all competition. The second argument of the hon. gentleman was even more extraordinary, and led to a directly opposite inference to that which he had drawn from it. He had said that, in the silk manufacture, Great Britain was inferior to France, in point of taste and machinery. Now, did not this fact lead to the suspicion, that on account of these prohibitions, the same improvements had not been made in this manufacture that had been made in all others? Let those prohibitions be removed, and our taste and our machinery would speedily improve. As to silk not being a native manufacture in this country, the hon. gentleman must indeed have been driven to an extremity for an argument, or he would not have resorted to that. It was quite as much a native manufacture of this country as cotton or linen, and had flourished in this soil for forty or fifty years. If, indeed, the hon. gentleman meant to distinguish it from the woollen trade, perhaps the distinction might in some points be fair. The hon. member for Taunton had asked, who was to be considered the sponsor of this plan? No individual, certainly, but those general principles which the hon. gentleman had himself invariably advocated. They were the sponsors, and were a higher authority than any advice from parties interested in the silk manufacture. After declaiming so often and so long in favour of the principles of free trade, let the House consider in what a light it would stand before Europe, if it did not attempt, instead of aiming at temporary popularity, to establish sound principles of commercial policy? How would those principles be prejudiced if, knowing them to be irrefragable, parliament, not having the courage to encounter difficulties, were to yield to the fears of the timid, or the representations of the interested?

Mr. Ellice denied, that he had said anything about the superior taste and machinery of France.

Mr. Peel regretted that he had misunderstood the hon. gentleman, but he had certainly supposed him to have urged that point.

The petition was received, and ordered to lie on the table.

## THE TREAD-MILL.—GAOL ACT AMENDMENT BILL.

MARCH 5, 1824.

In a debate on the order of the day for the second reading of the Gaol Act Amendment Bill,—

MR. SECRETARY PEEL, in reply to Mr. Bennet, said, that as to the employment of prisoners, before trial, on the tread-mill, the objections of the hon. gentleman applied to employment of every description, as well as that of the tread-mill. In fact, this was the declared opinion of the legislature. In a bill passed last session there was a clause, which he thought was so clear that it could not be mistaken, by which it was expressly forbidden to put any prisoner to hard labour before he was sentenced to it. Contrary to his expectations, however, it had been misunderstood. One instance had occurred in which a prisoner, before trial, was put to hard labour; and it was thought no infringement of the act, because he had made his choice of going to hard labour in preference to being kept on bread and water, which was the alternative offered him. This was, no doubt, a breach of the act. He had thought it almost impossible to make a law more precise than the act of the 4th of Geo. 4th, cap. 64. The right hon. gentleman here read the clause which, in substance, stated, that no magistrates should be authorised to make prisoners go to hard work before trial, unless by their voluntary consent, when they were to receive a proper proportion of the money they earned by their labour. And, even with their own consent, this act did not authorise the magistrates to class such prisoners with convicted persons. He was surprised that the intention of this clause should have been doubted; but as it had been, there was now a necessity to provide some remedy. He felt, however, a great difficulty in doing this. He was as ready to admit, as the hon. gentleman, that the employment of the tread-mill before trial was a great grievance, and under the present act it was not lawful so to employ it. By the laws of this country, every man was presumed innocent until he had been tried; when accused of any offence he was not deprived of his liberty as a punishment, but to insure his presence on the day of trial. It was, in the first place, therefore, extremely unjust to send unconvicted prisoners to work at the tread-mill. But he objected to it also on the ground of its weakening the effect of that punishment. It took away the stigma that should belong to the punishment appropriated exclusively to guilt, by making it also the lot of the innocent. He saw nothing more that the House could do in this point, than to strengthen their former enactment if possible and make a law that under no circumstances should a prisoner be sent to hard labour before he was sentenced to it as a part of his punishment for the crime of which he was convicted. He came now to the second topic of the hon. gentleman's speech—the different degrees of labour, and consequently the inequality of the punishment inflicted by the tread-mill. The hon. member's remedy for this was, to pass a law, providing a maximum of labour which should not be exceeded. It was impossible to carry this suggestion of the hon. gentleman into effect. It might be true, as stated by the hon. gentleman, that the miller had the power to relax or augment the labour of the prisoners, that the mechanist had the power to regulate the labour; and, if it were true, it was then evident, that it would be very difficult to provide a remedy for the inequality of which the hon. member complained. In one mill he had stated that the prisoners took 16,000 steps, in another 10,000, and in another only 8,000 a day. But, did he therefore infer, that the labour was great in proportion to the number of steps? The degree of labour depended on the manner in which the miller fed the mill. It might therefore happen, that he who took only 8,000 steps, if working in a mill which was kept well supplied, performed more work than he who took 12,000, or 16,000 steps. There was one part of the hon. gentleman's calculations so extraordinary, and so obviously fallacious, that it was sufficient to shake the confidence which the House might be disposed to place in his other calculations. He had stated, that some of the prisoners performed a task equal to that of walking 37 miles a-day. But he had at the same time stated, that the prisoners took about 12,000 steps a-day or about two miles and a quarter. The hon. member made it out, that these two miles and a quarter of perpendicular ascent were equal to thirty seven miles of walking on a plane; but, though he did not know on what data the hon.

member had founded his calculations he differed entirely as to the result. In the first place, the motion in the tread-mill was not perpendicular ascent; for the wheel revolved under the feet of the prisoners, and met their steps. He denied that this labour was at all equal to dragging the weight of the body up a perpendicular ascent. If, indeed, the hon. gentleman had shewn that the labour of the tread-mill was injurious to health, it would have been a more convincing argument of its ill effects than all the statements of Dr. Good or any other writers. He was happy to hear from the hon. member that there were prison-fanciers; as he was sure that those magistrates who took a pride and pleasure in visiting prisons, conferred a benefit both on the country and on the prisoners. But, if there were prison-fanciers, there were also gentlemen who were very astute at finding out objections to the tread-mill. Amongst them was a friend of his own, a baronet, who had formerly a seat in that House, sir J. Coxe Hippisley, and who had devoted much time and attention in detecting the bad properties of the tread-mill. But it so happened that sir John was the inventor of the crank-wheel, which he wished to introduce into prisons. It was incumbent on those who were so ready to point out the disadvantage of the tread-mill to find some better mode of punishment. When he saw that eight or ten hours' labour a-day at it produced ill health, he should implore the hon. gentleman to diminish its effects by introducing a law affixing a maximum of punishment. Suppose this maximum was fixed at 10,000 steps; did he not think that this would not lead to monstrous abuses? To take the case of two persons, one weak, the other strong—was there to be no discretion here? Were they both to perform their 10,000 steps? Was it not better that the law should remain as it now stood; which left it to the discretion of the magistrates? If the maximum were in force, would not magistrates say to the gaoler, "You have the act of parliament to guide you, we will not interfere;" and would not the whole duty thus devolve on the gaoler? With respect to the smaller jurisdictions, he would admit that the bill of last year was incomplete, if by it he had intended to regulate them. But the bill applied exclusively to prisons which permitted the classification of prisoners. There was a clause which enabled magistrates having local jurisdiction to contract with the magistrates to send their prisoners to the county gaol; but the hon. gentleman would go further, and make it imperative on the magistrates to send all prisoners to the county gaol. Let him only look at some of the consequences. While there were small and local jurisdictions it was necessary that the gaol should be near the spots where those jurisdictions existed. The class of offences of which they took cognizance was not very heinous, but still they coupled imprisonment. If the hon. gentleman could persuade magistrates who possessed local jurisdiction to give it up, he (Mr. Peel) should be very glad to receive it; but while it remained, great inconvenience would be occasioned by separating the gaol from the seat of the magistracy. Suppose a man went to gaol for a month or a week, was he to be sent 20, 30, 40, or even 50 miles to the county gaol? Such a measure would be a gross aggravation of the punishment. Conceive a prisoner apprehended at one place where he was to be tried, and sent to another at a considerable distance to be kept till the day of trial, and then brought back. Here were two journeys; and journeys performed under the painful circumstances of being ironed and guarded. The situation of the prisoners was bad enough in these small prisons, and was deserving of consideration; but the remedy proposed was not what he would adopt. The evil might be remedied by improving the gaols, not by sending the prisoners to the county gaols. With respect to maniacs he wished the hon. gentleman could find out some other means of securing them. At present those lunatics who had been condemned on account of having committed some crime were necessarily kept confined. He could not appoint them separate attendants, and he had no other power, as the law stood, but to send them to prison.

The Bill was read a second time.

## EDUCATION OF ROMAN CATHOLIC POOR IN IRELAND.

MARCH 9, 1824.

Mr. Grattan presented a petition from the Roman Catholic Bishops and clergy of Ireland, complaining of the misappropriation of the funds granted by parliament for

the education of the poor in Ireland, and praying for relief. His right hon. friend (Sir J. Newport) had moved for the production of certain returns. When these were before the House, he would move for a committee, to take into consideration the distribution of the funds appropriated to that object; and to that committee it was his intention to have the present petition referred.

In the discussion which ensued,—

MR. SECRETARY PEEL expressed his great satisfaction, that on this important question all parties were agreed in principle. In the education of the poor of Ireland two great rules ought never to be abandoned: first, to unite as far as possible, without violence to individual feelings, the children of protestants and catholics under one common system of education; and secondly, in so doing, studiously and honestly to discard all idea of making proselytes. The society, whose exertions had been referred to, (the Kildare Street Association), seemed to him to have erred in this latter respect; although it might have begun its labours without any intention of procuring converts. He hoped that elsewhere, as here, no party feelings would be mixed up with the discussion of the subject, and that the example set in that House would be followed out of doors. When the right hon. baronet (Sir J. Newport) should bring the question before parliament in greater detail, his object would, no doubt, be to prevent the introduction of topics not necessarily connected with it, and which might give rise to less worthy feelings than the friends of education would wished to see excited.

The petition was received, and ordered to lie on the table.

## TITHES COMPOSITION BILL.

MARCH 9, 1824.

Mr. Goulburn having moved for leave to bring in a bill to amend the Tithes Composition Act of last session, a brief discussion ensued, at the close of which, and chiefly in reply to Mr Hume,—

MR. SECRETARY PEEL said, that if the present were a motion for the Speaker leaving the chair, for the purpose of going into a committee, there might be some ground for the opposition of the hon. member for Aberdeen; but really there was not the slightest pretence for that opposition, when it was considered that this was merely a motion for leave to bring in the bill. As to the documents which had been moved for relative to this subject, his right hon. friend was as anxious as the hon. member for Aberdeen could be, that the House should be put in possession of every information, and that those documents should be laid on the table before this measure should be discussed. He should feel that he was fighting with a shadow, if he contended for one moment with such an argument as that which had been brought forward by the hon. member for Aberdeen. If his right hon. friend had deferred moving for leave to bring in this bill to a later period of the session, the hon. gentleman opposite would have been one of the first to object to the measure, on the ground of its not having been brought early enough before the House. The present motion would pledge no man to any opinion on the merits of the bill: there would be ample opportunity hereafter for considering its details; and he should be wasting the time of the House, if he said anything in reply to the opposition which had been made to so fair and reasonable a proposition. With respect to the observations which had fallen from the hon. member for Wicklow, if ever he had heard a speech in favour of a motion, it was the speech of that hon. member; for the hon. member had stated, that he had been chairman at two meetings, at each of which he had been unable to explain to the vestry the object of the bill.

Leave was given to bring in the bill.

## RIBBON-MEN AND RIBBON LODGES.

MARCH 11, 1824.

Lord Althorp, pursuant to notice, moved for certain papers, as follows:—"1. Copies of any proclamations which were issued, during the year 1820, by Magistrates, or other persons authorized by government, in the counties of Mayo and Galway, offering an amnesty to the persons styling themselves Ribbon-men, on condition of their delivering up their arms, and taking the oath of allegiance. 2. Copies of any communications which have been made to the Irish government from the magistrates, or others, respecting the disposition of the people towards the government since the year 1820. 3. Copies of all correspondence which passed between Mr. R. N. Bennett and Mr. Gregory, during the year 1823, respecting Ribbon lodges. 4. Copy of a memorial to the Lord-lieutenant of Ireland, from the rev. Messrs. Lubie and Yore, in the case of Thomas Hughes, which was presented during February or March, 1823."

Towards the close of the debate which took place on this motion,—

MR. SECRETARY PEEL observed, that though the noble mover had made what was usually considered the concluding speech, yet the hon. member for Shrewsbury (Mr. Grey Bennet) had subsequently drawn an inference, which, in some degree, changed the view of the question. The inference was, that because the letters and papers of the noble lord did not contain the statements made by the secretary and the attorney-general for Ireland, those statements were wholly without foundation. The noble marquis at the head of the Irish government, must of course be guided by circumstances; and it appeared to him (Mr. P.), that he had been completely warranted in refusing to extend the prerogative of mercy to the case of Hughes. It would have been a gross violation of his duty, and pregnant with the most injurious consequences to Ireland, if the marquis Wellesley had consented to any sort of capitulation with the offenders. But, after all that had been said about the papers which had been read, it might be exceedingly proper that the House should hear a little about one which had not been read; and it was the more essential that that paper should be noticed, in order that no erroneous impression upon this subject might find its way abroad. He would only premise that, if in this case, they were to call for statements made by the counsel for offenders, not a man would be convicted in Ireland for the future, without praying that the same course might be taken in his case; not a single conviction would be recorded without the preliminary step of that House being called upon to examine the diffuse, garbled, and ex-parte statement (for such it must necessarily be) of the prisoner who had been condemned, and the unsuccessful counsel who had defended him. Among the papers which had been brought under the consideration of the marquis Wellesley was one from a Roman Catholic barrister, a gentleman named Luke Plunkett.

Lord Althorp.—I have never seen it.

MR. PEEL.—Doubtless that was ample reason for the noble lord's not stating any thing about it to the House; but it was an equally ample reason for his (Mr. P.'s) now bringing it to their notice. Mr. Luke Plunkett, on the 24th of February, stated, "that he had made it his business to see Hughes in gaol, after he had been convicted; that he saw him in the presence of the gaoler; and that he undertook to hold out some hopes of mercy to him on the part of government, if he would become the instrument of his associates giving up their arms; or, if not of giving up their arms, of inducing the leaders to come forward and submit." In either of these cases Mr. Luke Plunkett, acting upon his own authority, had thought proper to hold out hopes of mercy. Why, what alternative did this proceeding hold out to the noble marquis, but to defend to the uttermost the sentence of the law and the province of government, which an individual had thus undertaken the conditional exercise of? But this gentleman in another part of his letter, added—"as to Hughes, whatever may be his ultimate fate, do at least endeavour to exert your influence with the marquis Wellesley, that he may be detained at Kilmainham, till the transports which are to convey the convicts can come round to Cork." Now, when such an application was made, what did the noble marquis do? What did he know? Why, he knew that the immediate execution of the

sentence upon this man would do more good, and produce more effect than any other measure whatever; and he immediately directed his removal from Kilmainham. Every body at all acquainted with the state of Ireland must know, that the least appearance of vacillation on the part of the government was always productive of infinite mischief. And, in what case was it called for in this instance? On behalf of some miserable and deluded victim to the arts and practices of others? No; but of the man who had organized the proceedings of his associates; who had been the originator of all these offences; and who had at last come under the hands of justice. And then, the proposition was made by an individual, who, without any authority whatever, had undertaken to hold out hopes of mercy to this man. Could it be doubted, under such circumstances, that the noble marquis was quite right in resisting every kind of attempt at what had been properly termed capitulation? And what would have followed, supposing Mr. Luke Plunkett's proposition had been adopted? What would have followed upon such a promise of surrender of arms, made by such a party? Did not every body know what those arms would be? From his own experience he could suggest, that they might turn out to be stocks of guns without barrels, or barrels of guns without stocks. He felt perfectly sure, that the arms to be delivered up would have been perfectly useless, as they always were in similar cases; for they were generally such as had been kept for a long time in some bog, or out-house, while those that could be of the least use, were retained and concealed. But, another passage that he should read would completely sustain the statements of his right hon. friend. Mr. Luke Plunkett proceeded thus:—"If Hughes should be saved, or if his punishment should be commuted to imprisonment, I have no objection to accompany him to any part of the country where his influence and presence can be useful to put down that discord which has so lately raised its hideous crest, &c." He put it to the House, whether it would have been endured that Hughes should thus be elevated into the character of a negotiator between the government of Ireland and these Ribbon-men, and be permitted to travel over the country with this Mr. Luke Plunkett, preaching to the people the propriety of their giving up their arms? The noble lord had read a paragraph from the communication of a Mr. Lubie, who was pleased to state that these men "entertained no hostile views against our most gracious sovereign." No hostile views! Why, they were found in arms—they were arrayed against the peace of the country; and yet this Mr. Lubie, in the amiable simplicity of his heart, could not imagine—not he—how it could be supposed that they entertained designs of so dangerous a nature; or why, after the man had been put upon his trial and convicted, the government should not be called upon to account for not having interposed, in such a case, the prerogative of mercy! To have entered into any negotiation, under such circumstances, would, indeed, have been so to have lowered the government of Ireland, as to render it unfit to preside over the affairs of that country. He could not for an instant suppose that the House would lend itself to the establishment of a precedent so fatal as that which would be set, if the motion of the noble lord were carried.

The motion was negatived without a division.

## GAME LAWS AMENDMENT BILL.

MARCH 11, 1824.

In the debate upon the order of the day for the second reading of this bill,—

MR. SECRETARY PEEL said:—As this bill, Sir, provides for an evil which I consider to be one of great magnitude in the present state of society, I mean the legal prohibition of the sale of game, I shall certainly give my vote for it, reserving to myself the power of proposing such alterations and modifications, with respect to other clauses of the bill, as I may hereafter deem expedient. Independently of the expediency of the clause for legalizing the sale of game, I am certainly of opinion, that the present state of the law, with respect to the qualifications of those who are entitled to kill game, requires alteration; and nothing which has just fallen from the hon. and learned member for Oxford, has tended to change my opinion. I am persuaded, indeed, that if the hon. and learned gentleman were seriously to undertake



the defence of the present laws, with respect to qualifications, he would find them teeming with so many absurdities, that he would be compelled to abandon the task, and to admit that the grounds for amending them were irresistible. He has said, that to alter the laws with respect to qualifications, would be to interfere with vested rights; but surely the notion of vested rights has never yet been pushed to this extraordinary extent. Can it seriously be maintained, that the admission of fresh persons to the right of killing game would be an interference with vested rights? The hon. and learned gentleman thinks, that the qualification ought to be limited to rank, to science, and to talent. But, does the present law admit science and talent to the privilege of killing game? How does the present law deal with the clergy, to whom the hon. and learned gentleman would give the privilege? A doctor of divinity does not, by the present law, possess the privilege of killing game; he may, indeed, procure a qualified person, but he is not himself a qualified person. The eldest son of an esquire, or person of higher degree, is a qualified person; and as a doctor of divinity is a person of higher degree than an esquire, he may beget a qualified man, but he has not himself the privilege of killing game. Men of science and talent, therefore, are not favoured by the present law; they are merely left to the melancholy privilege of begetting game-killers, who may be men of no talents at all. And, what is the state of the law as to qualification founded on property? Why, the second son of a man of £20,000 a-year, is not by law qualified to kill game; the younger children of a man possessing the largest property in the kingdom, are not by law qualified to kill game on their father's own estates. Is it not a most absurd and anomalous state of things to see men acting in the capacity of magistrates and enforcing the game laws against others when their own sons are every day violating them? It seems to me that no gentleman who seriously weighs the two arguments to which I have adverted, can possibly resist a proposition for amending the laws with respect to qualification. The hon. and learned gentleman will recollect, that there is a material difference in the laws respecting qualifications in different parts of the United Kingdom. In Ireland, for instance, the law of qualification is founded on a different, and, in my opinion, a much better principle than in England; for in Ireland any individual possessing personal property to the amount of £1,000 is qualified to kill game. In Scotland, any person may kill game who receives permission from the proprietor of the estates on which he kills it. I do not advert to these differences of the law with a view of contending that they ought to be introduced into England, but merely to show that the practice of the law is different in countries whose general customs are not very alien to our own.—With respect to the sale of game, the more I turn this question in my mind, the more satisfied I am, in the first place, that it will be for the interest of the game-preserver; and in the next place (which is a much more important consideration), that it is absolutely necessary for the interests and the peace of society, to remove the legal prohibition of the sale of game. In arguing this question *à priori*, let us look to the present state of society as compared with the state in which society formerly stood in this country. An Irish peer, for instance, residing in this country, has no legal right to kill game, for his Irish qualification does not give him the right; and, if the law were enforced against him, we should be in the situation of having invited him over to this country, and then depriving him of the privilege to which his rank and station entitle him. A foreign ambassador is not, by law, entitled to kill game in this country. In short, by the existing law, Irish peers, Irish bishops, foreign ambassadors, and even princes of the blood, I believe, unless possessed of landed property, are all disqualified. If laws stand upon our Statute-book, which are practically evaded and violated every day, this is of itself a sufficient reason for their repeal. I will ask, whether these laws are not perfectly inoperative—whether they are not constantly, notoriously, and openly violated in every great town—and whether it be possible, in the present state of society, that it should be otherwise? The constant violation of laws is a bad example. And, by whom are these laws violated? In general, by those whose duty it is to enforce the laws of the country. It often happens, that a gentleman who is occupied during the morning in enforcing the laws, himself sets the example of violating them in a subsequent part of the day. If the law really prevented the sale of game, there would be a ground for objecting to an alteration of it; but as it is notorious that it is wholly inoperative, this is one of the strongest grounds for its repeal.

It may be said, that it is a mere speculative assumption to take it for granted that game is sold. What is the proof of it? Before the committee of last year, evidence of the constant habitual sale of game in London was produced, such as must have convinced any man that game was sold as openly as any other article. But it may be said, that these persons were not examined on oath; that before the Lords they would have told a very different story; and besides, that they were persons interested in the sale of game. To meet these objections, Sir, and to ascertain in as satisfactory a manner as possible the facts as to the sale of game, I have felt it my duty to select four or five of the principal towns in England, and to ascertain the number of convictions which have taken place in those towns, for the selling and purchasing of game. I have not confined myself to a single year, but I have called for returns for the last five years, and I have selected places notorious for their hospitality. If any hon. member who represents any of those towns will rise in his place, and deny that game is sold there, my mouth is closed; but if it be not denied, the House may, I apprehend, place some reliance on the fact of the notoriety of the sale of game. The first place I selected was Bristol, where it will not be disputed, I believe, that the public exhibition and sale of game is notorious. From Bristol I received the following answer:—"I am directed by the Mayor, in reply to your letter of the 7th, to acquaint you, that no person has been convicted in Bristol, during the last five years, for selling or purchasing game." Here, then, there has not been a single conviction. I perceive, indeed, that the hon. member for Bristol smiles at the very supposition of a conviction for the sale of game at Bristol. From Liverpool the following answer was returned:—"In reply to the letter of Mr. Hobhouse, dated the 7th, I have to acquaint you, that no person has been convicted at Liverpool, for the last five years, for selling or purchasing game." From Manchester the answer is:—"In reply to your letter of the 7th, respecting convictions for selling or purchasing game before the magistrates, within the last five years, I have to state, that four persons have been convicted; three in the year 1821, and one in the year 1822, all for selling game." From Glasgow the reply was:—"The magistrates of this city, during the last five years, have not been called upon to enforce the game laws in any one instance; offences against these laws are usually prosecuted by justices of the peace in the country." If, therefore, in four of the principal towns of Great Britain, there have been only four convictions for this offence during the last five years, it cannot be denied, that the legal prohibition of the sale of game is utterly inoperative. In point of fact, game is already sold as openly as it could be if the law were repealed. The hon. and learned member for Oxford spoke of the heads of corporations. Is it conceivable, Sir, that the head of a corporation—an "*animal propter convivium*"—could be restrained by any penal enactment from the indulgence of his appetite for game? [a laugh] If the law, therefore, have fallen, as it must be admitted to have done, into complete desuetude, it is desirable, as well for the interests of the game-preserver, as of the public, to legalize the sale of game. The poacher has two motives for poaching: one the pleasure of sporting, which he shares in common with ourselves; the other, the hope of gain. With the first of these motives, it is impossible to contend by legislative enactment, but we may control the other, by a measure which will diminish the illegal profits which the poacher at present derives from the exclusive supply of the market in large towns. If we permit the legal dealer in this article to compete with the poacher, it cannot be denied, that such a measure will interfere with the profits of the poacher. I have myself seen in a single room upwards of a thousand head of pheasants collected, which were not disposable for any useful purpose. All the friends of the owner of these pheasants were satiated with game; but, supposing him to have been enabled to send these pheasants into the markets, can it be contended that this would not have the effect of diminishing, *pro tanto*, the profits of the poacher, and consequently of diminishing the temptation to poaching? I do not mean to contend, that the legalizing of the sale of game will put an end to poaching altogether; but it will certainly have the effect of materially diminishing it. Suppose a law were enacted by which rabbits, salmon, or any animals of the nature of game, were declared not saleable in the market, would such a law have the effect of giving increased protection to the proprietors of such animals? Quite the contrary; it would inevitably throw a monopoly into the hands of the illegal trader. The hon. baronet opposite thinks it very strange, that people who

have nothing but personal property should complain that they cannot get game. "I never heard of any thing so unreasonable" (exclaimed the hon. baronet). "Why does not such a person go and purchase an estate, if he wants game? What has a man with nothing but personal property to do with game?" If we were to go into the question of right, the hon. baronet would find that his argument rested upon a very frail foundation. Besides, the argument, such as it is, is capable of an extension, which even the hon. baronet might not find perfectly convenient. Upon the same principle it might be said to one man, "what right have you to eat salmon? You have no river." To another "What right have you to indulge yourself with turtle? you have no West-India island." The hon. baronet, in consistency with his own principle, that none but the proprietors of the soil have a right to eat game, must forego the pleasures of salmon and turtle, unless he be the owner of the water which they inhabit. If the sale of game be legalized, I am satisfied that by far the greatest portion of the supply will be that which is derived from honest means. This has been the result in every instance of a similar alteration of the laws. Half a century ago deer-stealing was a very prevalent offence. At that time the public exposure of venison was an offence punishable by very severe penalties. But, since the repeal of the law prohibiting the sale of venison, the legal trader has driven the deer-stoaler from the market, and the offence is comparatively of rare occurrence.—It has been said, that one of the consequences of repealing the present law will be, to enable a man who has a few acres of land in the neighbourhood of a great proprietor, to sow buck-wheat for the purpose of seducing the pheasants of his richer neighbour. What, I will ask, is to hinder a small land-owner from doing this in the present state of the law, and then employing a qualified person to kill the game which may come on his land? If he entertains any malignity against his rich neighbour, here is at once a mode of gratifying it, under the existing law. My hon. friend talks of the injustice of tempting away the rich man's pheasants; but, if we look to the strict justice of the case, is it perfectly just in the rich man to preserve game to eat up the poor man's crop? There would be much more justice in allowing the poor farmer to destroy a few of his rich neighbour's stray pheasants, as an indemnity for the injury which he must necessarily sustain from them. But, the alteration of the law will, even in this respect, be attended with the most beneficial effects. As it stands at present, the poor farmer has an interest in destroying as much of his rich neighbour's game as possible; but when he has a legal right to kill that which comes on his own land, the waiver of that right may be easily made the subject of pecuniary compromise between him and the rich proprietor.—My hon. friend urged another argument, which is certainly more forcible than any to which I have hitherto adverted. He contended, that if we legalize the sale of game, we shall lose one of the best means which we now possess of convicting poachers. Poachers, however, are much more frequently convicted for being detected in the act of killing game than for having game in their possession. It appeared from a return of persons convicted for having game in their possession, in Norfolk, Suffolk, Dorsetshire, and Sussex, that they bore no proportion to those convicted for being found out at night in the act of destroying game. If, Sir, I were perfectly satisfied that the present system of Game laws worked well, I should be the first to oppose any speculative plan of improvement; but I am satisfied that the present system does not work well. The number of commitments throughout England for offences against the Game laws have amounted, in six or seven years, to upwards of 9,000; that is, about 1,200 a-year. I believe that it is neither for the interest of society, nor for the interest of the game-preserver, that the present law, which prohibits the sale of game, should continue. I do not believe, that any legislative enactment would have the effect of preventing the sale of game. The effect of increasing the penalty has been tried and it has not succeeded. The wiser course, therefore, will be to suffer the legal possessor of game to enter into competition with the illegal possessor. I believe that this course will succeed; and, considering as I do, that the prohibition of the sale of game is one of the greatest evils arising out of the present system of the Game laws, I shall support the second reading of my hon. friend's bill, reserving to myself the power of giving a free opinion hereafter, as to other parts of the measure. I cannot help thinking that my hon. friend has, in many respects, attempted too violent a change in the laws, and that it would have been better to introduce a more cautious and gradual alteration of the

present system. The expediency of adopting some alteration and modification of these parts of the bill, will be more properly discussed in a future stage of it.

## CONDITION OF THE WEST INDIAN SLAVE POPULATION.

MARCH 16, 1824.

After numerous petitions had been presented to the House, praying for the Abolition of Slavery, Mr. Secretary Canning presented, by command of his Majesty, a variety of Papers, in explanation of measures for the Amelioration of the Condition of the Slave Population of the West Indies. The said papers having been ordered to lie upon the table, Mr. Canning addressed the House at considerable length, and concluded with moving for leave to bring in a Bill for the more effectual suppression of the African Slave Trade.

In the course of the evening,—

MR. SECRETARY PERL said, that the hon. gentleman who had last spoken, (Mr. Baring) had made a most severe charge upon his Majesty's government, and indeed had broadly pronounced its condemnation in the beginning of his speech, in such a manner as might have produced a very powerful effect, if the hon. gentleman's own admissions, as he went on, had not afforded a complete and successful refutation of every title of it. Arguing only on that hon. member's own admissions, and referring, indeed, to his own propositions, the House would see, that, whatever charge the hon. member might at first have brought against his Majesty's government, he had ultimately absolved it from any. This being the case, it would be necessary for him only to detain the House very shortly on the question. The hon. gentleman, as it seemed to him, had admitted every thing that the government of this country could desire him to admit. The hon. gentleman began his speech by describing the colonies as being in a dreadful condition, as he alleged, in consequence of the discussions that had taken place in that House. He admitted that the power exercised in those colonies by the masters over the slaves was liable to great abuse. He spoke of the Anti-Slavery Society, sitting in London, and sending out missionaries whose conduct endangered the property and the lives of the planters. And, under all these circumstances, the hon. gentleman seemed to think, that the government of this country ought to adopt some positive and distinct course. Something, he said, ought to be done, to settle the question for ever. But, the hon. gentleman should have gone further, and stated what that something was. The hon. gentleman admitted the dangers of despotism generally—he admitted the dangers of domestic despotism in particular—and he likewise admitted the existence of a popular feeling on the subject, which placed the lives and the property of the colonists in danger. Under these circumstances it avowedly was, that the government of this country was called upon to act.

The hon. member for Taunton insisted, that there ought to be "some understanding." Now, it was a mighty easy thing to assert, that there ought to be some understanding; but gentlemen who were so decided in their opinion, ought to come forward and say, what that "understanding" ought to be. There were only three courses which the government of this country had to pursue. It might decline all interference in the matter, and leave the planters, the negroes, and the Anti-Slavery Society, to fight the battle out amongst themselves. Would a resolution like that be acceptable to the hon. member for Taunton? Was the government not only to decline all interference, but to set their faces, in toto, against alteration and improvement, and to abstain from proposing or recommending any thing? Would the hon. gentleman approve of such a course? Why, probably not: because the hon. gentleman admitted, that much alteration, and much gradual improvement of the condition of the slaves, were desirable. The only question then, was, how could that amelioration be effected? But, there was a third course which the government might pursue, upon the present question. It might resolve to legislate altogether for the colonies—to take the measures necessary entirely into their own hands; making no distinction between those colonies which had legislatures of their own, and those which were immediately under the control of this country. Would

that course be acceptable to the hon. member for Taunton? Why, again, probably not; for a portion of his speech had been occupied in showing the folly of such a line of conduct.

The only remaining course, then, was that precise course which government had pursued, and which the hon. member for Taunton had taken much pains and time to show was the very wisest that could possibly have been pursued. In those colonies as to which the crown had a distinct right of legislation, government had resolved to commence an example, which it was hoped would soon be followed by those who had a right to legislate for themselves. When the hon. member for Taunton accused his Majesty's government of want of manliness and resolution, and of not having done any thing decisive, he would ask the hon. gentleman, from what other quarter any definitive or intelligent plan had originated? The hon. member for Taunton complained, that ministers did not state the whole of their intentions upon the subject at once—that they did not demand so much, or such things, and say, “this demand shall be the last.” Why, surely, government could give no such a pledge, because such a pledge would be in direct opposition to all sound and reasonable policy. Surely, upon second reflection, he could not recommend such a course. What! when the government found that the alterations they had proposed were practicable—that certain improvements had taken place—that the general condition of the negroes was ameliorated—and when the hon. member admitted those improvements, and even acknowledged the capacity of the negroes for further improvement, were they to be obliged to stand still in the good work, on account of the pledge they had given to the masters? The hon. member for Taunton must say yes, or his argument went for nothing. From the speech of the hon. member for Taunton, in opposition to the course taken by government, he was warranted in declaring that course to be the only safe and practicable one that could have been pursued.

The hon. member for Bramber had likewise recommended, that a decisive line of conduct should be pursued by the government; but that decisive line he had not thought proper to mark out. Surely, the hon. member would not advise a total disregard of the colonial legislatures! And yet it seemed so; for that hon. member had commenced his speech by expressing his entire want of confidence in the conduct of the colonial legislatures. If that distrust were well-founded, the case of the negroes was, indeed, almost hopeless; for even if a statute should be passed in this country, how could that statute be carried into effect without their assistance? Suppose the parliament were to make a regulation for the education of the slaves, what security could they have that it would be rendered beneficial? If penalties were to be imposed, who would levy them? Was it not far better, then, he would ask, for the sake of the slave himself, to conciliate than to estrange those authorities, without whose assistance it was impossible to do any thing important in his favour? If matters really stood as the hon. member for Bramber represented them to stand, he would affirm, that it was impossible to enact laws in England, and rely upon their being obeyed by the colonial legislatures. And, if it were to be argued, that we ought, in that case, to supersede such authorities, and to send out fresh officers and even troops, to carry our orders into execution, such a course he would fearlessly say—and few, he believed, would be found to contradict him—was likely to be any thing rather than beneficial to the slave population in the West Indies.

But such, happily, was not the nature of the proposition of his right hon. friend, the secretary of state for foreign affairs; founded as it was on intimate and perfect knowledge of all the circumstances of the case, and urged as it had been with all that ability and eloquence, which so peculiarly distinguished his right hon. friend. That proposition was, as it appeared to him, the true practical and beneficial one. It marked the *animus* with which the English government was proceeding: it proved their disposition, where there was no question as to the power of the Crown; and it imposed nothing on the colonies having legislatures of their own, while it offered them the benefit of an example and a warning. He earnestly implored the House to trust to the force of that example; satisfied as he was, that, as soon as the first moment of irritation should have subsided, the colonists, who were so closely connected with England in blood and in interest, and who felt justly proud at sharing generally in her laws and her institutions, would cheerfully adopt those mea-

asures which appeared the most effectual for the improvement and amelioration of the condition of their slave population.

After the close of a very long debate, Mr. Canning having replied, leave was given to bring in the bill.

## THE ALIEN BILL.

MARCH 23, 1824.

MR. SECRETARY PERL said that he rose for the purpose of discharging a duty, which he considered to be imposed upon him as a minister of the crown. His object was, to request that parliament would continue to the executive government the possession of those powers which they already enjoyed, with respect to Aliens arriving into and residing in this country. In doing this, he felt that he laboured under some embarrassment, the nature of which must suggest itself to every gentleman who heard him. Of late years, the subject had undergone repeated and detailed discussion, and it was probable that every argument in favour of and against the measure was familiar to the minds of the majority of the members present. He was, on the one hand, reluctant to weary the attention of the House by the repetition of arguments with which they were well acquainted; whilst, on the other hand, he was still more reluctant to have it supposed, that he passed over the question in silence, because he considered it a matter of indifference, and not deserving of particular notice. He would therefore prefer to subject himself to the embarrassment occasioned by pursuing the former course, and proceed, certainly as briefly as he could, to state the grounds upon which he proposed to continue the Alien Act, hoping that those gentlemen who considered that he was unnecessarily occupying their time, would excuse him, on account of the motives which induced him to do so.

He begged, in the first instance, to remind the House of the precise nature of the provisions of the Alien Act, passed in 1816, which contained material modifications of the act which was in force during the war. The act of 1816, which it was proposed to continue, provided, that every alien should give, at the port where he disembarked, a description of his name and profession, and of the country from whence he came, to an officer appointed there to receive it; and a penalty was attached to a wilful disregard of that provision. With respect to that part of the measure, he apprehended there would be little difference of opinion. It could not be considered at all unreasonable that aliens, who owed no allegiance to the sovereign of this country, should be required to give such a description of themselves as was required by the act. The more material provisions of the act, however, were certainly of another description. They empowered the crown, by proclamation or by order, to direct an alien to leave this country; and, in cases of non-compliance with such order, they authorized the infliction of penalties which he considered by no means exorbitant. For the first offence, the penalty was imprisonment, not exceeding one month. If the offence were repeated, the alien was subject to imprisonment for any period not exceeding twelve months. That was the maximum of punishment. In cases where the secretary of state had reason to suppose that an alien would not pay obedience to the proclamation of the crown, he was empowered to give him in charge to a messenger, and send him out of the country. It was, however, provided, as a check upon this power, that if the alien should signify to the secretary of state, that he had reasons to assign why the proclamation of the crown should not be obeyed, the secretary of state should be compelled to suspend the execution of his order until the alien should state his case before the privy council, and that tribunal should come to a decision with respect to it.

He believed he had given a tolerably correct, though a very summary, detail of the provisions of the act. He would now briefly advert to the objections which had, at former periods, been urged against devolving such powers on the ministers of the crown. He would not do this for the purpose of detracting from the just force of those objections, but only to consider what real weight they possessed. The first objection to the act, and that which had been put forward in the most prominent manner, was, that it was a complete departure from the ancient policy of the

country with regard to aliens, which, it was said, had always afforded them a hospitable reception into this country, and liberal treatment whilst they remained in it. He did not wish to detract from the character which this country had justly obtained for the hospitable conduct which it had manifested towards strangers. No doubt it was a proud trait in the character of the country, that an alien, on arriving in it, had always found an asylum from persecution, and had been treated with every degree of kindness and liberality, consistent with the interests of the country itself; but he would say confidently, and he was prepared to prove, that there was nothing in the policy now pursued with regard to aliens, which would not bear comparison with the policy which had been pursued at any other period of our history; and that this country was as much entitled, at the present moment, to the noble praise of affording an asylum to the oppressed, and a refuge to those who were unable to find refuge any where else, as it was at any former time. It would be a great fallacy to contend, that at any former period it had been the policy of this country to admit aliens indiscriminately, and yet some argument very like this had been advanced in that House. From what had been said on former occasions, one would really be inclined to suppose, that the interest of aliens was the paramount object of the policy of this country. A reference to history, however, would prove, that a proposition of that nature could not be maintained for a moment. At no period of our history had there existed an indiscriminate admission of aliens. He would show, by a reference to historical documents, that there had always been restrictions imposed upon foreigners, as binding as those which existed at the present moment. On a former discussion, the opponents of the Alien Act had placed much reliance upon that enactment of Magna Charta, which provided that aliens should not be excluded from the kingdom "*nisi publice prohibiti sint*," which Lord Coke had interpreted to mean, "unless prohibited by act of parliament." But that passage, he must think, applied to merchant strangers exclusively, and not to aliens generally.

He would now direct the attention of the House to the situation in which aliens stood in this country, at the early part of the reign of Henry IV., and he begged to observe, that he would only allude to those periods of our history, when this country was in a state of peace, because, if he referred to a period of war, he should be liable to the objection that the policy of the government, with regard to aliens, was materially different in time of war from what it was in time of peace. Henry IV., then, not by an act of parliament, but by his own authority, issued an order to the keeper of the port of Dover, in which he recited the inconveniences which had resulted from the indiscriminate admission of aliens in England through that port—"Considerantes damna et incommoda quæ nobis et regno nostro, per subitos et crebros adventus alienigenarum, nobis inconsultis evenerunt et poterint evenire, vobis præcepimus." The order then went on to direct, that the keeper of the port of Dover should not allow the aliens who were there to pass the limits of the town, but detain them there, until his majesty should know the reason of their coming, and signify his pleasure thereupon. At the same time king Henry sent another order to the keeper of the opposite port, Calais, directing him expressly not to allow any foreigners to depart. The phrase employed in the order was certainly not very classical or Ciceronian, namely, "*escapare*" from that place to England. In the Calais order, however, an exception was made in favour of "*mercatores*," and this tended to support the opinion which he had ventured to state above. The reign of Elizabeth had always been referred to as the period of our history which contained the strongest proofs of the liberality which had uniformly been exercised towards aliens in this country. He should, however, be able to show, that even in that reign the liberal treatment of aliens had always been a consideration subordinate to the interests of the community. In her treatment of the Spanish exiles, Elizabeth was certainly liberal in the extreme; but she was far from extending the same degree of liberality to all foreigners indiscriminately. She had, however, motives for granting indulgence to Protestants; but she granted no such indulgence to the Roman Catholics; and, in his opinion, she was very right. The first document to which he would refer in the reign of Elizabeth was a letter to the Lord Mayor of the city of London, and the officers of the liberties about it, from the Privy Council, dated the 27th of September, 1573, to the following effect: "And whereas their lordships were informed that moche infection growe, by reason that many families of the said

straungers dwelt pestrud up in one place, that they shold cause such inmates to be seperate, and no more to remaine together then they shold see convenient to be suffred in the place of the abode; And further, where it was informed that divers straungers were there, that professing no religion nor frequenting any divine service used in this realme, her Majestie's pleasure was they shold be dispatched out of their jurisdictions by such a tyme as shold be by them prescribed." On the 21st of February, 1573, another letter was written from the Privy Council to the Lord Mayor of London, and others of her Majesty's officers within the liberties adjoining the city of London, which was as follows:—"That whereas upon a viewe of straungers remainyng thereabout, their lordships were informed, that there were 1500, which being repaired under colour of religion, were of no church, nor registred in any boke. Her Majestie's pleasure is they shold be commaunded to departe the realme within a tyme to be by them prescribed: and in case any upon notice hereof wold not associate himself to any church, for that it could not be thought but that this proceeded rather of collusion than otherwise, he shold not be admitted, but commaunded to departe; and for the execution of the premyssees they shold conferre together, and with the Lord Byschopp."

After having read those documents, he thought it would be impossible for any one to argue, that foreigners were never placed under restraints in England until the introduction of the Alien Act. Here was proof, that in the reign of Elizabeth, the boasted period of liberality to strangers, aliens were subjected to restrictions much more grievous than any which they now endured; and it was necessary to remark, that even Elizabeth's favourite Flemish exiles were not exempted from those restrictions. Again, on the 20th of October, 1574, the privy Council wrote to Lord Cobham, who was then lord Warden of the Cinque Ports, stating that the council were given to understand that there was a far greater number of strangers in Sandwich than, by her majesty's grant, were allowed, and directing inquiry therein; and that if such were found to be the case, the overplus should be removed to other places more remote from the sea. On the 8th of November 1574, the Privy Council sent an answer to a letter which had been received from Sir Christopher Heydon, the mayor of Lynn, stating that the foreigners in Norwich wished to depart and dwell in Lynn. In the answer it was declared that "the Queen will in no wise permit it; but if they will remain where they are, and conform themselves to order, the Queen is pleased to suffer them; if not, they may depart the realme, and have passports accordingly." A letter of a similar purport was at the same time written to the Mayor of Norwich.

In the reign of James 1st, precisely the same policy was pursued. Nay, at that period, aliens were not permitted to exercise any handicraft profession, or to sell by retail. It was unnecessary for him to state, how greatly improved the situation of foreigners was, in these respects, at the present day. In consequence of various applications which had been made to the Crown respecting the treatment of foreigners, James appointed a special commission to take the subject into consideration. The directions which the king gave to the commission were as follows:—"We therefore, entering into due and serious consideration hereof, being bound in our kingly office in the first place to be vigilant and careful of the welfare and prosperous estate of our own people, having been informed that strangers use much more liberty than is allowed unto them by the statute, especially in the using and exercising of handicraft and manual trades, and in selling by retail: Our purpose is, that the marchant of foreign nations resorting hither for trade of marchandise be freely entertained and used, and that the stranger who selleth by retail, or useth any handicraft or manual trade, be moderated as in your wisdom ye find to be most convenient. Ye shall once in every year cause a true survey to be taken in writing of the names, qualities, and professions, and places of habitation, of all strangers born. Our will and pleasure is, that such strangers born put themselves under our royal protection, whereas by the laws of this realm they ought not to work at all or use such trades but as servants to the English. But they are not to draw hither an increasing number of masterless men of handicraft trades, to the extreme hurt both of English and strangers, but that such either speedily return into their own countries, or put themselves to work as hired servants, according to the true meaning of the laws." He thought he had now done enough to show, that the policy which the country at present



pursued with regard to aliens, was not, to say the least, more severe than that which had been pursued at former periods of our history.

Another objection which had been made to the act was, that the powers which it gave to the executive were liable to abuse. It was impossible to deny, that that objection applied with some degree of force. But he would ask, whether there were not securities against the abuse of the powers conferred by the bill? In the first place, the alien possessed the power of appealing from the order of the secretary of state to the privy council. But there was a still more effectual check against abuse in the account which the secretary of state must render of his proceedings to parliament. If, from any personal motives, or to gratify the passions of another, he had abused the powers which had been intrusted to him, would he dare to come down to that House that night and ask for a continuance of those powers? When it was urged, that the powers which he now called for might be abused, he would appeal to facts, and say, "Look at the past, and judge from that of what is likely to be the case with respect to the future." He wished the house to understand that he did not mean to say, because there had been no abuse of the powers conferred by the act, that was a reason why the act should be continued. He merely wished to show, that there had been no abuse of those powers; because he felt, that if an instance of that nature could be produced, it would be an insurmountable impediment in his way on the present occasion.

It appeared from a return which had been laid on the table, at the instance of a noble lord opposite, that the whole number of aliens sent out of the country under the provisions of the act, since the year 1816, amounted to only seventeen; of these, eleven or twelve were individuals connected with Buonaparte, and of course their banishment from the country rested on peculiar grounds, exclusively applicable to their case. The number of persons, therefore, who had been sent out of the country under the operation of the act, who were unconnected with Buonaparte, amounted only to five or six, during a period of nearly ten years. He could speak with greater certainty of the proceedings during the last two years, in which it had become his duty to enforce the provisions of the act. In 1822, persons had been sent out of the country; and in 1823, only one person had been subjected to this proceeding, and that was under very peculiar circumstances. He alluded to Count Bettera.

Another argument which had been advanced against the Alien Act was, that it was not required for any domestic purposes, but merely that it might be made subservient to the wishes of foreign powers. The best answer which could be given to that objection was, to show what had already taken place. Within the last ten years, no individual had been sent out of this country at the suggestion of any foreign power. But it was said, that if a foreign power should make an application to have an individual sent out of the country, and that application were disregarded, the said foreign power would be offended. Again, he would only say, that no instance of such application had occurred. It was also alleged, that the act had the effect of discouraging aliens from coming to this country, because they knew that they would derive no protection from the laws, but would exist here only by the sufferance of a secretary of state. He thought that when foreigners found that during the last two years, only one individual had been sent out of the country who had resorted to the threats of assassination and suicide, their dread of the powers confided to the secretary of state would be materially diminished. He would, however, refer to facts, to prove that there had been a progressive increase in the number of foreigners arriving into, and resident in, this country since 1818. [Mr. Hobhouse said, across the table—"That is owing to the circumstances of the times."] What the hon. member said was perfectly true; and he was very glad of the hon. member's admission. The circumstances of the times had led to a great resort of strangers to England; and he rejoiced that this country had afforded them an asylum. For in no single instance had any alien been refused permission to enter England, on account of the domestic troubles in which he had been engaged in his own country. No inquiry was made respecting the causes which induced aliens to come to England; but the portals of the country had been thrown open wide for the admission of all. In 1821, the number of aliens residing in this country was 24,000; in 1822, 22,500; in 1823, 25,000; and in 1824, notwithstanding all the declamation which had gone forth on the subject of the Alien act, the number had increased to 26,500.

It was said, that whatever might be the intended exercise of this power by the government, still it was liable to abuse, by being used as an engine of menace by the subordinate officers to whom the execution was intrusted. He denied that it had been with his knowledge so intrusted, nor would he ever consign the exercise of such a measure to subordinate agents; and he would declare, that in no case had the representation of any individual respecting aliens been attended to in the manner supposed for the last ten years. The powers of the act were reserved, if necessary, to be applied, upon the responsibility of the minister, on public grounds, and not upon any individual authority. He pledged himself, as secretary of state, for that mode of applying the provisions of this act, and no other.

In former discussions, it had been said, that the bill was unfair, inasmuch as it placed all aliens, of whatever character, or of whatever duration of residence in the country, upon the same footing. He felt the force of such an argument, and had endeavoured to remove it; for which purpose he meant to propose, that all aliens who had resided for the last seven years in this country should be exempted from the operation of the bill. This provision would, he believed, exempt at least ten thousand persons from the Alien Act. He hoped that this would be deemed an important alteration, by those who were opposed to the details of the bill as it originally stood; and that the introduction of the clause of exemption to which he alluded would be regarded as a proof, that however erroneous might be his view in proposing the renewal of this act, at least it was not with a wish to possess himself of arbitrary power.

He had hitherto occupied himself in removing certain objections which had been made to the measure; but, in removing them, he by no means considered that he had furnished exclusive reasons in support of such a bill: on the contrary, he admitted that the power, the continuance of which he called for, was extraordinary—that it was novel—that it was in principle a new measure, and one which did not belong to the established law and policy of this country. He was bound, therefore, to give some proof, not only that this was a power not fairly liable to abuse, but also that the necessity for its enactment preponderated, beyond the value of the principle from which it must be considered, in some degree, a departure. It was, he knew, very difficult, on such an occasion, to give what might be called mathematical proof of the necessity for the measure, and of the precise amount of danger arising from the uncontrolled residence of aliens in this country. He could however declare to the House, that he was perfectly satisfied, from all the inquiries which his official situation enabled him to make, from all the information which the present circumstances of Europe afforded, from every view which his most matured observation could suggest, that, if this power were now withdrawn, three months would not elapse before parliament and the country would have reason to regret that abandonment, and feel themselves under the necessity of resorting, under the emergency of the occasion, to some equally summary, perhaps more severe measure, for the attainment of the same object. There were in this country at present, 26,500 aliens: of these nearly 20,000 resided in London. The ordinary number of aliens resident in the metropolis had been of late much increased, by the troubled times upon the continent, which had, under various circumstances, and in consequence of these troubles, augmented, within the present year, the number by at least 1,300. In alluding to this latter augmentation it was unnecessary for him to say one word which was calculated to give offence to the most ardent and enthusiastic lover of liberty in this or any other country. It was, however, probable, that among the aliens who had recently sought an asylum in this country, were men of ardent spirits, warm feeling, and excited passions. Did he complain of such men? No; he rejoiced that this country was able to afford them that asylum which their condition required; and as long as they used their domicile here for their own peace, and safety, and subsistence, so long, he hoped, would they receive a hospitable protection. But, was it unreasonable for the government to say to such men, “We give you an asylum here, and while we give it to you, and secure to you the peace and repose which it is calculated to afford, so long we are entitled to expect in return from you, the observance of peaceable conduct, not calculated to disturb the policy of this country, or commit it clandestinely with foreign powers?” The insular situation of this country afforded peculiar facilities to perturbed spirits, to foster and prepare their machinations

against the states from which they may have emigrated. Was it right that they should be permitted to concoct or mature such plans here? Was it right that they should be permitted to take such hostile steps toward powers in amity with England—the country affording them an asylum—as would of necessity disturb the neutral policy which this country had judged it expedient to maintain? Was it right that such aliens should be quietly permitted to arm themselves for future experiments upon their own governments while reposing under the protection of British law? He would suppose the case of an individual who had fled from his native country, and obtained an asylum in this, availing himself of the facilities which were here within his reach, to plot against the colonial government of a nation with which Great Britain was in amity; was it fit that such a person should make London the place in which he was to erect a machine to disturb the country from which he had escaped, and to do so by violating the peaceful demeanour which he was bound to observe in the country which had received him? Was the case he supposed an imaginary one? No, it was not fancy, but fact; and circumstances of which he had had occasion to take cognizance warranted him in stating to the House, that this country was selected as the spot best calculated to be made the scene of such a plot, for disturbing another government. What did the ministers of this country do upon the discovery? They saw the parties, they reminded them of the existence of the Alien Act—and of its powers, and warned them against putting government to the unpleasant necessity of enforcing them; they took the mildest course; they did not send the parties out of the country, but they corrected their conduct by remonstrances, such as he had described, and informed them, that however willing the government always was to afford an asylum to foreigners, it could not permit that shelter to be violated, by being converted into an opportunity for the indulgence of their own political machinations, and for effecting, through this country, their own political objects in the countries from which they came. Was that an unreasonable return to ask for the asylum afforded?

He was not aware that any other topics remained for him to touch upon in the present discussion. It was his intention to propose the renewal of the bill for the same period as was proposed last year; namely, for two years, with the exemption upon which he had already touched of those aliens who had resided for seven years in this country. He trusted that, considering the great resort of foreigners for which this country was remarkable, and the necessity of cultivating all just and proper means of preserving the march of peace, and not disturbing that system of neutrality which was the best calculated to maintain so desirable an object—he trusted that upon all these considerations the House would not be unwilling to grant the government the renewal of the bill in the manner which he proposed. He concluded by moving “That leave be given to bring in a bill to continue the said act.”

Mr. Hobhouse followed in the debate, and concluded with moving “That this House is of opinion, that the Alien Bill is a disgrace to the Statute-book, and that to renew it, either permanently, or for any period however limited, would be highly injurious to the character and interests of Englishmen abroad, and destructive of the principles of their constitution at home.

“That this House, moreover, looks upon the Alien Bill as a badge of servility, connecting the British government with the league impiously misnamed the Holy Alliance; and this House, having witnessed, with horror and alarm, the monstrous aggressions of that alliance on the rights of individuals, and on the independence of nations, will never sanction a measure by which the English nation may appear to make a common cause with the abettors of tyranny against the victims of persecution.”

At the close of the debate,—

MR. SECRETARY PEEL said, he should not avail himself to any extent of the privilege of reply. There were now two questions before the House: his own proposition for leave to bring in the bill as already described, and the amendment of the hon. member for Westminster. The hon. gentleman had described the Alien Act as a disgrace to the Statute-book, and had called upon the House to concur with him in that opinion. The hon. gentleman himself might so consider it, but it was rather too much to expect that the House, by whose authority it was placed on the Statute-book, should so stigmatize a measure which they had sanctioned with their approbation. The hon. gentleman had also called upon them to express their abhorrence of

the conduct of the Holy Alliance—another suggestion in which he was confident they would not concur, as it would amount to little less than a declaration of war. But, not content with making general remarks on the conduct and policy of the administration, he, the hon. member, had further proceeded to erect himself into a severe verbal critic, taking some words which had escaped from him (Mr. Peel) as the subject of his animadversion. Now it must be obvious to the House, that in the warmth of debate many expressions escape from members, and from none more frequently than from himself, which, in their cooler judgments they would not be willing to adopt. He was not prepared to defend the strict grammatical propriety of every word he made use of, and therefore he would not refuse the corrections with which the hon. gentleman might be disposed to favour him. The first complaint of the hon. gentleman was directed against the expression “mathematical demonstration.” He was not aware that, in the ordinary acceptance of language, there was any gross impropriety in making use of such a phrase, but if, as the hon. gentleman seemed to think, there was any thing ungrammatical or inelegant in the combination, it was far from his wish to contest the point. The hon. member’s next complaint was against the expression “permanent emergency” which he had made use of two years ago. The hon. gentleman had, however, admitted, that he was privileged to make such mistakes, as he had been six years connected with the government of Ireland. Now it so happened, that the hon. member, in his speech of the present evening, had himself made a similar mistake, and, what was worse, without being entitled to take advantage of the same excuse, for the hon. member had accused him of having tumbled headlong into a pit, which was already filled with the carcasses of those who had preceded him [hear and a laugh]. The noble lord had said, that the only object of the bill was to prevent plots against other powers. This was a mistake. He proposed it with a view to English interests alone, nor did he think it too much to require from those who sought refuge in this country, that they should not make its metropolis the scene of plots against foreign powers with whom we were in amity.”

The House divided: For Mr. Hobhouse’s amendment 70. Against it 131. Majority 61.

## EDUCATION IN IRELAND.

MARCH 25, 1824.

Sir John Newport concluded a speech of some length with moving, “That an humble address be presented to his Majesty that he will be graciously pleased to issue a commission under the great seal, for inquiring into the nature and extent of the instruction afforded by the several institutions in Ireland established for the purpose of Education, and maintained, either in whole or in part, from the public funds; for inquiring into the state of the diocesan and district schools, and the nature of the instruction there given; for ascertaining whether any and what regulations may be fit to be established with respect to the parochial schools; and for reporting as to the measures which can be adopted for extending generally to all classes of the people the benefits of Education; and that his Majesty will be pleased to direct the proceedings of such commission to be laid before parliament.”

MR. SECRETARY PEEL said, that though there was no member in that House more impressed with the importance of the question, as it related to the necessity of educating the people of Ireland, yet, after the speeches of the right hon. baronet, and of his honourable friend the secretary for Ireland, he should not have offered a single observation, had it not been for what had fallen from the hon. member opposite. That hon. gentleman had alluded to a speech, made by him several years ago, recommending to that House the pressing necessity of education in Ireland. He could assure that hon. gentleman, that the sentiments he then uttered he felt most sincerely, and the same sentiments he now entertained. The hon. member, however, had observed, that he recognised no measures in consequence of that speech; at least that the fruits of such a system were not to be traced in the tranquillity and good order of the lower classes of the Irish population. Now, even if it were true that no improvement had taken place since the year 1814, he still thought that such a result

should not induce the advocates of education to despair. But, the fact was otherwise. Education had not been neglected, and its progress had been considerable. And, without assuming to himself any undue credit, he thought he might fairly add, that he had not neglected to act upon the opinions which he had supported in 1814. In the next year, he had introduced a bill, having for its object to appoint a commission for the avowed purpose of correcting the abuses which existed in the endowed schools in Ireland. That commission made fourteen reports; the first thirteen referred to the abuses that were found to exist; the fourteenth gave a new plan of education, calculated, in the judgment of the commissioners, to meet the condition of the great body of the Irish population. That he had no wish to disguise the existing evils, but to provide a remedy for them, was evident from the very preamble of the act itself. He was free to confess, that with respect to any general plan, whatever his wishes were, they were qualified by the fear, that the solicitude to do too much might be productive of mischief. He was afraid that in the then existing state of public feeling in Ireland, to attempt by any broad legislative measure, to interfere with the education of the people would have been attended with considerable irritation; that alarm, anxiety, and jealousy would have been the result. But, within one year after the speech alluded to, the subject of education was taken up unostentatiously by himself, and his right hon. friend near him (Mr. V. Fitzgerald), then filling the office of Chancellor of the Exchequer for Ireland. An association of men of the highest distinction, and of all religious persuasions, was formed for that purpose. It was founded on the principles of a Christian education, disavowing all attempts at proselytism. It was the anxious wish to bring together both the Protestant and Catholic children in their earliest infancy, under the natural and laudable presumption, that the bond of attachment, formed under such attractive circumstances, would consolidate the relations of mature life, and eventually lead to reciprocal conciliation and kindness. The education, as he said before, was founded on the broad principles of Christianity, leaving, however, to the pastors of the respective religions to instruct the children of their persuasion in the doctrinal parts of their religion. In three years after the formation of that society in Dublin, the number of schools was 320. In 1821, they amounted to 530; in 1822, to 727; and last year, there were flowing out of that association no less than 1100 schools in different parts of Ireland. Surely these undisputed facts were a sufficient proof that the advantages to be derived from the education of the Irish poor had not been neglected [hear!]. He could not sit down without expressing his full concurrence in the address that had been moved for the appointment of a commission. It was of importance that parliament should be assured of the progress that education had already made. Let it see to what extent it had been carried. Let every information be afforded, to ascertain whether the system could be amended; and it was desirable to have the reports of commissioners who were qualified to recommend the best means of extending it. As to the appointment of the individuals qualified to act as commissioners in such an important investigation, he begged to assure the House, that those whose duty it would be to advise the Crown, were not unconscious of the severe responsibility, and that he trusted the commission would be constituted in a manner to ensure its efficiency, and to obtain the general satisfaction of that House and of the country.

## LABOURERS' WAGES.

MARCH 25, 1824.

Lord John Russell, after presenting a petition for an inquiry into the condition of the labouring poor, moved, "That a select committee be appointed to inquire into the condition of the labouring classes, particularly with a view to the practice of paying part of the wages of labour out of the poor-rates; and to report their opinion thereon to the House."

MR. SECRETARY PEEL said, he had no wish whatever to discourage the noble lord, in the pursuit of the object which he had in view; but he really thought that the noble lord had better limit his motion to the particular object which he desired at present to attain. The noble lord now proposed an inquiry into the condition of

the labouring poor, generally. It would surely be much better to draw a line, which should define the points to which the committee were to direct their attention. For let the noble lord consider into what a number of classes the labouring poor divided themselves. First, there were the agricultural classes; then, there were those connected with mechanics; then, there were the labouring classes, belonging to towns, not manufacturing; then, there were the manufacturing classes of labourers. As the noble lord's motion now stood, the committee must inquire into the condition of all these classes; although it was clear, from the noble lord's own statement, that his object was, the appointment of a committee to inquire into the practice which prevailed in some parts of the country, of paying the wages of labour out of the poor-rates; and to consider what measures might be effectually adopted for the abolition of such a practice. If the noble lord's motion were to be agreed to as it stood, the committee would be overwhelmed with the multiplicity of its business. Now, nothing could be more unwise than to devolve on any committee of that House too extensive a labour. It was of all others, the worst mode of obtaining any advantageous result. In any case in which the powers of a committee were found to be too limited, it was very easy to extend them. If the noble lord accepted the words which he had suggested, or would substitute others of similar import, he assured the noble lord, that he would not throw any difficulty in his way; and that he would not hereafter object to any extension of the powers of the committee, should such an extension be deemed advisable.

Lord John Russell having consented to adopt the recommendation of the right hon. gentleman, the motion, as modified by Mr. Peel, was then agreed to; and a select committee was accordingly appointed, "to inquire into the practice which prevails in some parts of the country, of paying the Wages of Labour out of the poor-rates, and to consider whether any and what measures can be carried into execution for the purpose of altering that practice; and to report their observations thereupon to the House."

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## COUNTY COURTS BILL.

MARCH 26, 1824.

In a committee on this Bill,—

MR. SECRETARY PEEL suggested the necessity of having the appointment of the assessors vested in responsible hands. The office of sheriff, annual in the person who held it, was not one to which the House should attach the responsibility of such an appointment. It was equally objectionable to make the judges of assize responsible for the acts of others. Was it politic to make the bar dependent on a judge of assize? It was of importance to provide that these assessors should be men of learning, and above suspicion in the administration of justice. Even a few inefficient appointments would throw odium on the whole establishment. He recommended the propriety of limiting the number of assessors, and extending their labours over a greater space. In the place of seventy individuals in the counties, the establishment might be limited to seven or eight, receiving, no doubt, larger salaries, but possessing the requisite knowledge and character to ensure an efficient and unsuspected discharge of the duty.

MR. PEEL instanced the appointments of assessors in Ireland, where experience proved, that those who were removed from all local connexion, discharged the duties the most efficiently.

MR. PEEL also suggested, that the Crown ought to be invested with the power of consolidating two or three of the smaller counties; leaving the large ones to be furnished each with an assessor.

## ATTORNEY-GENERAL OF THE ISLE OF MAN.

APRIL 1, 1824.

Mr. Curwen, pursuant to notice, moved for a "Copy of the Memorial of the House of Keys, complaining of the absence of the Attorney-general from the Isle of Man; and also a copy of the appointment of that officer."

MR. SECRETARY PEEL said, that the course taken by the hon. member had not a little surprised him. He had moved for papers, which he (Mr. P.) had not the least objection to produce, and, before they were produced, he had entered into details on the subject, which showed how little value he attached to the papers called for. The hon. member had, however, thus rendered it necessary for him to say a few words on the subject. The question was, what was the best arrangement for the appointment of Attorney-general for the Isle of Man? The hon. mover admitted, that the Attorney-general should not be an individual from the Manx bar; and indeed, it was clear to every one that, with the important functions he had to perform, it was most desirable that he should be a lawyer versed in the liberal principles of English jurisprudence; which nothing but practice in the English courts would give. Being agreed on this point, in what way should they proceed? He must say, that in an island with so limited a revenue as the Isle of Man, expense was a material consideration, and though the hon. member was very liberal in his proposal of giving £1,000 or £1,500, he thought the present arrangement was not only less expensive but better. The present Attorney-general, Mr. Clarke, was appointed in 1816. He was recorder of Liverpool, and, in that capacity, tried as many criminal cases as any judge of the kingdom, and should be, and in fact was, competent to much higher functions. As Attorney-general of the Isle of Man he had £400 a-year [Mr. Curwen, "£500."] The nett income he received was £400, as £100 was paid to an individual in the island, for performing the duties in his absence. Mr. Clarke was appointed because he was recorder of Liverpool, and because, after attending the Liverpool sessions, he could repair to the island with less inconvenience than any other individual of equal eminence. The stipulation under which he was appointed was, that he should repair to the island as often as the public duty required; and in the last twelve months that very eminent individual had repaired thither three times. In one instance, there was the rare case of a trial for murder, which it was necessary the Attorney-general should conduct in person. In the second case, there was corruption imputed to a judge, which he had referred to the council of the island. On that occasion Mr. Clarke went to the island; and he was sorry to say that such impropriety of conduct was proved against a judge, that he had thought it necessary to advise his Majesty to remove him from the office. The hon. member had stated him to have imputed to the hon. mover, the having made an application for the appointment of his son. He could readily acquit the hon. member of any such imputation. The son of the hon. member was the candidate who appeared to him best qualified for the office. On that account, he (Mr. P.) had recommended him for the appointment; and he only mentioned the fact to show that, at least in that appointment, party motives could have nothing to do. Returning to the appointment of the Attorney-general, he contended, that they could not find any one to reside in the island for £400 or £500 a-year; and if they could, it would not be advisable to get him. They could not even suppose that a gentleman of Mr. Clarke's eminence would go to the island three times a-year for £400. In fact, money happened to be a subordinate consideration with him; and from the extent of his private fortune, he could afford to make the sacrifice. Why, then, should they displace him? In this, as in every capacity, he performed his duties in an exemplary manner. He had himself received the greatest assistance from him, with regard to the internal legislation of the island. The sheriffs in Scotland, who were most important officers, were dispensed from residing in their counties more than four months in the year; it being deemed more desirable that they should practise in the courts of Edinburgh, and thus keep up their knowledge of the law, while they exercised a control over their subordinate officers. If a vacancy occurred (and he hoped sincerely there would not) in the office of Attorney-general of the Isle of Man, he should make the best arrangement he could with the

candidates who presented themselves; but he thought the manner in which the office was at present filled left nothing to be desired, and much to be apprehended from a change.

The motion was agreed to:

## THE ALIEN BILL.

APRIL 2, 1824.

On the motion for the second reading of the Alien Bill, Sir Robert Wilson moved, as an amendment, that, instead of now, that Bill be read a second time this day six months.

Mr. Tierney having spoken at great length in depreciation of the Bill,—

MS. SECRETARY PEEL said, he would not have risen at all that evening, had it not been for the very pointed manner in which he had been alluded to by the right hon. gentleman opposite. It was, however, not a little gratifying to him to find, that, after all the blame which had been cast upon government, and after the many propositions which had been made for altering the constitution of that House, the right hon. gentleman himself was candid enough to acknowledge that, not only had the country been triumphant in war, but that with respect to her internal affairs, she was contented, happy, and prosperous. The right hon. gentleman's arguments against the bill were founded upon two assumptions; namely, those which refer to the motives of its first introduction, and to the objects to which it was to be applied, now that it had been introduced. The right hon. gentleman had said, that the Alien Act was first proposed, in consequence of an understanding amongst the sovereigns of the continent, that liberty was every where to be put down. Now, he must say, that he had never heard of any such understanding, and that, for his part, no consideration on earth could ever have tempted him, as an Englishman, and a minister of England, to propose a measure professedly for the internal security of this country, which had been either dictated or proposed by a foreign power. The object of the bill, according to the interpretation of the right hon. gentleman, was, to prevent the distressed from finding an asylum in this country. He could only meet that assertion, by stating the well-known fact, that in no instance had that asylum been denied. The right hon. gentleman had mentioned one instance which occurred before he (Mr. P.) was connected with the home department, upon which, therefore he was not prepared to give a decided answer; but he could state, that since he had held the office of secretary to the home department, not a single foreigner had been refused an asylum in this country, either on account of his political principles, or his previous conduct. The right hon. gentleman had said, that, from the period of the Revolution, up to the year 1793, there was no Alien Act, and therefore he had contended, that there ought to be no Alien Act now. But, did not the right hon. gentleman's own speech prove, that nothing could be more different than the state of Europe in the two periods? What was his own description of the present state of Europe? So agitated was the state of Europe, according to his own representation at the present moment, that every king was regarded by the constitutional party as a tyrant, and every friend to constitutional reform was regarded by the royalists as a rebel. The object of his Majesty's government was to maintain a perfect neutrality; and they would neither permit the constitutional nor the monarchical party to make this country the theatre of their machinations. During the government of Spain in 1821, for instance, they would no more have permitted the monarchical party, than they would now permit the constitutional party, to make England, as his right hon. friend expressed it, the workshop of their intrigues. But, though there was no Alien Act during the period to which the right hon. gentleman alluded, the government frequently resorted to a much stronger measure—the suspension of the Habeas Corpus Act—a measure which enabled them to imprison a suspected foreigner. It had been said by the late Mr. Windham, that sending a foreigner out of the country was no more than drowning a fish; but, the suspension of the Habeas Corpus Act enabled the government not merely to drown the fish, but to put the fish in prison. The right hon. gentleman had put



the case of a pamphlet, written by an oppressed Frenchman, and had asked whether, if the French government called upon us to send such a man out of the country, the requisition would be obeyed? Now, he did not know what the French government might ask in such a case, but, if it made such a demand, he well knew what would be the answer of his right hon. colleague. In the course of the last ten years many pamphlets of the description alluded to by the right hon. gentleman must have been written, and yet no instance of the oppressive exercise of the Alien Act could be cited. If, therefore, they might judge of future dangers from the experience of the past, the right hon. gentleman's apprehensions were perfectly groundless. The right hon. gentleman had cautioned him not to become a police agent for foreign governments. He trusted he knew his duty as an English minister too well to submit to become the agent of any other country. He declared most distinctly and unequivocally, that he never had had the slightest communication with any foreign minister on the subject of the Alien Bill. What could he do more than make this unequivocal declaration? He never had yielded, and he never would yield to such considerations as had been suggested by the right hon. gentleman, and he repeated, that he had never had any communication on the subject of this bill with any foreign power whatever. He asked for the bill solely because he thought that the interests of the country demanded it. Why, when it was the acknowledged policy of this country to be at peace, should we suffer foreigners to disturb that peace by making England the theatre of their machinations? The right hon. gentleman had said, that if it were found that machinations were carried on by foreigners in this country, so as to endanger the public tranquillity, parliament might be applied to, but surely it was better that his Majesty's government should retain a power which had not been abused, than that such an expedient should be resorted to. The subject of the Alien Act had been so fully and repeatedly discussed, that it was impossible to devise any new argument in support of it. He was satisfied that, if this Act were repealed at the present moment, they would soon be under the necessity of resorting to much harsher measures. He considered the continuance of this Act, under existing circumstances, an advantage to Aliens themselves. The hon. member for Southwark (Sir R. Wilson) had assigned a singular reason for his opposition to the measure: he had declared his intention to oppose it, because it was rendered more palatable, because the power was rendered less liable to abuse; or rather because all possibility of abusing it was taken away. He had argued, that Aliens who had resided seven years in the country, were as likely as any others to plot against their government, and yet no precautions were taken against them. This might or might not be consistent with sound policy, but he would ask whether it did not conclusively prove, that foreign governments had nothing to do with this measure, and that his majesty's ministers had not acted on foreign suggestions? They had acted only with a view to English interests; they were ready to permit foreigners to take refuge in this country as an asylum, but not to allow them to desecrate that asylum by converting it into a scene of intrigue and machination. On these grounds he sincerely hoped that parliament would consent to continue to his majesty's government, for two years, the powers which the Alien Act conferred.

On a division, the amendment was negatived by 172 against 92; majority, 80; and the Bill was read a second time.

## BUILDING OF NEW CHURCHES.

APRIL 9, 1824.

In a committee of the whole House on the Building of Churches Acts, the Chancellor of the Exchequer moved, "That his majesty be authorized to direct Exchequer bills to an amount not exceeding £500,000, to be issued to the commissioners for building and promoting the building of additional churches and chapels, to be by them advanced under the regulations and restrictions of any Acts passed or to be passed for that purpose."

Mr. Hobhouse having spoken at great length in opposition to the motion,—

MR. SECRETARY PEEL immediately rose, and observed that he felt himself bound

to acknowledge, that nothing could be more fair than the principle on which the hon. member for Westminster rested his proposition, and nothing more liberal and more becoming the dignity of the subject than the mode in which the hon. gentleman had conducted his argument. The hon. member admitted, and very properly, that the maintenance of the national religion was, and ought to be, the paramount object of the legislature. All the hon. gentleman required was, ample proof of the necessity of making the exertion now proposed. The hon. gentleman admitted, that if the church establishment stood in need of support, he would be one of the foremost in affording it. But the hon. gentleman had endeavoured to reduce the force and weaken the validity of the arguments of his right hon. friend, and it would now be his duty to show that the hon. gentleman had not been successful in that attempt. The first position assumed by the hon. gentleman was, that there was no immediate want of religious instruction; and that it was clear there was not, otherwise there would have been a call for it on the part of the people of England. Now, in the first place, he would observe, that even if the people were indifferent on the subject, that was no reason why they should not be supplied with the means of obtaining religious instruction. But that was not the fact. Previously to the passing of the Act of 1817, applications were made from various parts of the country, calling for assistance. In that year, parliament appointed a commission to superintend the application of a million voted for the erection of new churches, and since that period all calls which would otherwise have been made on parliament, had been made on that commission. Let not the hon. gentleman suppose that if that commission had not been appointed, calls for aid would not have been made on the House. The hon. gentleman had founded a great part of his argument on the state of the churches, and chapels of ease, in the city of Westminster. It did not appear to him, however, that any conclusive inference could be drawn from the hon. gentleman's statements on that subject. The hon. gentleman said, that he had never heard a complaint in Westminster of a want of accommodation, and that there was abundant room in the churches and chapels of ease. He would ask the hon. gentleman whether the latter were chapels of free admission? The object of his right hon. friend's present proposition was, to provide free admission into places of public worship for the poor. If the hon. gentleman had visited only chapels which were attended by the rich, whose pews were frequently left empty by them, surely he would not thence argue that there was accommodation for the poor? The object of the present grant, he repeated, was to provide the means of free religious instruction and worship for the poor. The hon. gentleman had also mistaken the nature of the returns on which his right hon. friend had argued. They referred only to parishes in which the population exceeded 4,000 individuals, and in which there was a deficiency of church accommodation. In the parishes of Westminster, in which a call for accommodation had not been made, the commissioners under the act of 1817 had expended little or none of the money intrusted to their management. Let the House look at St. Margaret's parish. The deficiency in that parish was stated at 20,887 individuals; yet the commissioners had not expended a single shilling in it. Not being able to supply all the deficient parishes, they had supplied only those the cases of which were the most urgent. In all the parishes of the city of Westminster the commissioners had not provided accommodation for more than 5,000 persons. He was sure the hon. member would not argue that it was impossible accommodation could be needed in Manchester, in Birmingham, in Walsall, because no demand had been made for it in Westminster. And, was it an argument against doing all the good we could, that it was impracticable to do all the good we wished? Was it nothing for parliament to show a disposition on the subject? Would it be no advantage that even one member of every family should have the means of attending divine worship? If the hon. member would inquire, he would find that the attendance on divine worship of even a single member of a family was highly desirable. It frequently happened, that the profligate and vicious habits of those members of a family who did not attend divine worship, were corrected by the moral and religious habits of a member who did attend; and that the virtuous member of a family frequently succeeded in converting the criminal part of it. Even where a child of the tenderest years had been brought up morally, it often happened that it shamed its parents from a vicious course of life, and became the instrument of reclaiming them. He could not concede, therefore,

that the benefit of the vote should be limited to those to whom it would give the means of obtaining religious instruction. He would draw the hon. member's attention to a document, which, however, was not on the table of the House, to show that it was not likely the proposed vote would be so useless as the hon. gentleman seemed to suppose. Supposing a parish contained 6,000 persons, and that 1,000 at present attended divine service, it by no means followed, that the remaining 5,000 were in want of accommodation. From that number must be deducted the sick, the aged, and those of tender years. He was not sure that, in every case, the whole number of the dissenters ought also to be deducted. God forbid that in a free country like England any man should be prevented from adopting the system of religion which he preferred. But, where dissenters were dissenters only because there was a deficiency of accommodation in the churches of the establishment, that was another question. Such persons, if accommodation were afforded them, would doubtless attend the service of the established church; and thus the desirable object of diminishing the amount of schism in the country would be gained. He could not, therefore, in his calculation, exclude those who were dissenters, not from conscientious motives, but for the sound reason that any mode of divine worship was preferable to none. On the whole, therefore, he would calculate the probable number of attendants on the service of the church, provided there were accommodation for them, would be about a fourth of the population. That was, supposing there were ten thousand inhabitants in a town, it was not unreasonable to say, that if means were afforded for their attendance in the church of England service, 2,500 would so attend. If that were a just calculation, there was certainly reason to hope that the good to be done by voting the sum of £500,000 on the present occasion would not be so remote as the hon. gentleman supposed. Let the hon. gentleman examine the state of some of the large towns. The population of Manchester, for instance, was estimated at 187,000 souls. A fourth would be 46,750. There was at present church accommodation for 22,468; so that there only remained 24,282 to be provided with accommodation. The population of Birmingham was estimated at somewhat more than 100,000 souls. A fourth would rather exceed £25,000. There was at present church accommodation for 16,000; so that there remained scarcely 10,000 to be provided with accommodation. Now, could any one doubt, that with the means allowed, a great portion of those 10,000 might be accommodated? The population of Leeds was estimated at 84,000. A fourth was about 20,000. There was at present church accommodation for 10,000; so that there remained about 10,000 to be provided with accommodation. Nothing could be more fallacious than the hon. gentleman's argument, that if the House were not prepared to vote twenty millions for the purpose of providing church accommodation for the three millions and odd who needed it, they should not vote the £500,000 now required of them. Let them do as much good as they could; and he trusted they would with that sum of £500,000 sow seed, which would be productive of an abundant and valuable harvest.—But, the hon. gentleman had asked, "why the services at the present churches were not doubled?" He admitted, that they ought to be. It was a mode of advantageous co-operation with the grant proposed. But, the fact was, that, in many churches, the services were already doubled and trebled. Nay, in some, there were as many as five services in a day.—With respect to the choice of a clergyman, the hon. member for Westminster knew, that where the consent of the bishop and the patron was procured, there was no difficulty upon that head. The hon. gentleman had referred to the state of the churches in Westminster; but what was the state of the churches in other places? In the manufacturing districts; in Halifax, in Walsall, and Frome? In Frome, the number of inhabitants was 12,400; there were accommodations in the church for only 950. In Walsall the number of inhabitants was 12,000; the accommodations were only for 700. In Halifax the population amounted to 92,850, and out of that number 85,480 had no means of attending religious worship. Having made that statement to the House, he would ask, was it right that such a state of things should go on? Was it not right that the legislature should provide for the religious accommodation and comfort of those who, though poor, were yet, he might say, the sinews and strength of the country? There could be no rational objection to laying out half a million of money on this object. As to the million already granted, there was no pretence of there being anything wrong in the application of it. Of the

churches the expenses of which were voted in the reign of Queen Anne, only eleven were built in all; but out of the one million voted by the present parliament there had been nearly a hundred churches built. The £500,000, if granted, would enable them to build fifty more. This would excite the liberality of individuals; and if together they could succeed in providing the means of religious worship for one member only out of every family in 80,000 families, they would effect a greater good than they could achieve by any other application of the same sum of money.

On a division, the motion was agreed to by 148 against 59; majority, 89.

## IRISH TITHE COMPOSITION AMENDMENT BILL.

MAY 3, 1824.

In the debate on the motion for the second reading of this bill,—

MR. SECRETARY PERL said, he thought that the speeches of the right hon. baronet (Sir J. Newport), and of the hon. gentleman opposite (Mr. Spring Rice), would have been much more appropriate if addressed to the committee. Almost all the arguments advanced applied to the bill of last session, and were therefore in favour of the present bill, which proposed an amendment. But, let the House examine a little in detail the speech of his hon. friend who spoke last. His hon. friend had said, with respect to the composition, that many of the parties had been entrapped into their agreements; but his hon. friend must admit, that the number of appeals to the Lord-lieutenant and council was the most conclusive evidence as to the truth of the fact. Now, there had been ninety instances of composition, and out of these there had been but five appeals. Was it not clear, then, that five per cent. was the extent of dissatisfaction. If the House were to examine the bill now before them, they would find that a very small part of it indeed was open to objections. By voting for the second reading of the bill, no member would be pledged to support all the enactments it contained, nor would he be precluded from adopting any amendments that might be proposed. The arguments which had been advanced clearly proved the great importance of the subject; but he differed altogether from his hon. friend, as to the extent of the responsibility attaching to an individual who introduced a proposition. Every one was at liberty to propose a measure; but, if sound and serious objections were made against it, and he still persevered, then began the responsibility. By the forms of the House, several opportunities were afforded of proposing amendments. Then, why should there be a responsibility, if a man yield to a more matured conviction? His hon. friend had said, that his right hon. friend could never escape from the responsibility of having introduced the clause relative to the inspection of papers and documents; but, he could assure the House that when his right hon. friend had come down to the House, it had been his intention to propose the repeal of it upon examining the objections to which it was exposed. He, therefore, hoped the House would pursue the ordinary course, and not resort to the extraordinary proceeding of rejecting a bill which had for its object the improvement of a former measure, before they had had an opportunity of understanding the amendments that were to be proposed.

The bill was read a second time.

## COMMITMENTS AND CONVICTIONS.

MAY 27, 1824.

Mr. Hume, pursuant to notice, moved, "That there be laid before this House, a return of the number of persons charged with criminal offences, who were committed to the different gaols in England and Wales during the year 1822 or 1823; distinguishing those by summary commitments, and those for trial at the assizes and sessions held for the several counties, cities, towns, and liberties therein; showing the name of the magistrate or magistrates who signed the warrants of committal, and distinguishing the number of persons so committed by summary commitments

by him or them, and the number committed for trial, who were convicted, acquitted, or against whom no bills were found, or who were not prosecuted."

MR. SECRETARY PEEL said, that he had expected to hear from the hon. member a less objectionable motion than that with which he had concluded, and the returns to which would not, in point of fact, assist him in his ulterior object. The hon. member had said, that when these returns, with the names of the committing magistrates, were made, some individuals would be found who were unnecessarily rigorous in their commitments, and who were designated in their counties as "committing magistrates." He protested that he had never heard of such a distinct class of persons; but what he principally rose to show was, that the returns called for would not raise the inference which the hon. member supposed, and would therefore be useless for his general argument. For instance, there were several prisons in England, in which commitments in execution only were taken; and the hon. member must not confound such commitments in due execution of legal process with the summary commitments in the ordinary administration of magisterial duty. Then, again, the disproportion of commitments between one magistrate and another would not raise the inference of undue rigour in the committing magistrate. For instance, at this time of the year, whilst members were attending their duty in parliament, there must be other magistrates in the counties whose returns in the discharge of their duty must necessarily be larger than those not so actively engaged, from local removals, without there being the slightest ground for supposing from the distinction, the undue exercise of power. When the hon. gentleman first brought this subject forward, he had said, that there was an immense disproportion between the commitments by police magistrates and by magistrates of the city of London. He (Mr. P.) had then thought, that a *prima facie* case had been made out against the stipendiary magistrates, and that they were the more responsible because they received salaries, although he was satisfied that they were men of the highest honour and respectability, and that their conduct would bear the strictest examination. Those magistrates who were unpaid, and acted merely from a sense of duty and a love of utility, were of course in a different situation. As far as the hon. gentleman wished to correct the return already made, he (Mr. P.) was ready to concede what was required. There was no indisposition in the home department to give all useful information: but, under no circumstances could he consent to include the names of individual magistrates. He asserted distinctly that it was a criminatory motion. It was criminatory, because it went to show that magistrates had acted on vague and insufficient grounds. The hon. member had talked of "committing magistrates." He (Mr. P.) had never heard of any individuals deserving such an offensive distinction. Was it fair to brand a gentleman as a "committing magistrate," because he devoted more of his time to the service of his country, and had a larger number of criminals brought before him? Besides, if the returns were made as desired, it would be impossible to draw any fair inference from the intelligence supplied. The hon. gentleman, on the former occasion, had introduced the names of three magistrates, Mr. Allen, Mr. Dyer, and Mr. Swabey, and in consequence he (Mr. P.) had sent for Mr. Dyer, and had asked him to furnish some cases in which he had committed, and the grand jury had afterwards thrown out the bill. In the first place, Mr. Dyer proved that the disproportion in his case was not greater than in others, and he pointed out fifteen or sixteen cases in which grand juries had ignored bills, but in which Mr. Dyer would have grossly misconducted himself if he had not committed the party charged. Sometimes the matter had been compromised: perhaps the principal witness was a near relation, and, not wishing to disgrace the family, upon reflection did not choose to persevere in the prosecution: sudden wrong had made him bring the offender before a magistrate, but in his cooler moments perhaps he had repented. In one case, though the charge had been clearly made out before the magistrate, the prosecutrix went before the grand jury in a state of intoxication, and they, of course, threw out the bill. In another case of a criminal assault upon a girl of ten years old, the grand jury obtained information which did not come before Mr. Dyer, showing that she was not worthy of credit; and on this account the man accused was never put upon his trial. In some instances, parties, though duly bound in recognizances to prosecute, did not appear; and as they were poor, their sureties were of no value, and could not be estreated. In other cases, misunder-

standings occurred as to the time when witnesses were to appear, and in others, the prosecution was dropped from carelessness, indifference, or idleness. While these circumstances vindicated the grand jury from any charge of neglect, they, at the same time, showed that there was no ground for inculpating the committing magistrate. Unless, therefore, the return could be accompanied with a detail of all that appeared at the police-office, it would be of no use, as it could lead to no just conclusion. For these reasons, he should negative the motion.

On a division, the motion was negatived by 71 against 34.

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### IMPRISONMENT OF RICHARD CARLILE.

JUNE 11, 1824.

Mr. Hume presented a petition from Richard Carlile, at present confined in Dorchester gaol for the publication of blasphemous works. The petitioner complained that he had been prevented from paying the fine which he had been sentenced to pay. In consequence of the non-payment of the fine, he had been detained in prison after the expiration of the term of imprisonment to which he had been sentenced. He was now a Crown debtor; but, notwithstanding, the usual indulgences granted to Crown prisoners had not been extended to him.

MR. SECRETARY PEEL said, it was quite clear that the petitioner was not entitled to be treated as a Crown debtor, but ought to be subject to the rules of the gaol which applied to his original imprisonment. The petitioner had, from time to time, made complaints to him of the ill-treatment which he received in the gaol. He had instituted inquiries on the subject; and he felt it due to the magistrates of Dorset to state, that, under the greatest provocation which it was possible for them to receive, he could not conceive that any persons could have acted with more forbearance. The petitioner complained of the restrictions to which he was subjected; but when the House heard that his object was to corrupt all his fellow prisoners, they would easily imagine that the magistrates were compelled to take precautions to prevent the contamination. Personal restrictions likewise became necessary, in consequence of the menaces which the petitioner had made use of. Carlile had posted in the gaol a regular written notice, that after a certain day he would consider his imprisonment illegal, and would feel himself justified in killing the first keeper he might see. Carlile had sent a similar notice to him. Out of regard to the lives of those persons whose duty it was to ensure Carlile's safe custody, and from regard to Carlile's own safety, he (Mr. P.) had declared, that he thought the magistrates were right in taking measures to prevent him from committing the crime which he meditated. He was satisfied that no person, under the circumstances which applied to Carlile's case, could have been treated with more indulgence than he had been. He would take that opportunity of stating, that Mary Anne Carlile, the sister of the petitioner, had received a free pardon, and was discharged from gaol.

The petition was ordered to lie on the table.

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### REVERSAL OF ATTAINDERS.

JUNE 14, 1824.

MR. SECRETARY PEEL said, that it became necessary for him, in the discharge of his duty, to move the first reading of five bills for the Reversal of Attainders, for which bills his Majesty had been graciously pleased to signify his assent. The first bill was for reversing the attainder of Lord Stafford, and with respect to that bill he wished it to be understood as the reparation of an act of injustice. The restoration of the other titles stood upon a different footing, for they were all acts of grace and favour. In addition to Lord Stafford's bill, he had to propose the usual course of reading the bills for reversing the attainder of the Earl of Mar, Viscounts Kenmure and Strathallan, and Baron Nairn.

After some observations from Mr. Abercromby, Sir J. Mackintosh, Captain Bruce, and Lord Binning,—

MR. SECRETARY PEEL further said, it was satisfactory to receive from all parts of the House the admission, that the selection was made without the remotest influence of party feelings. There remained but two modes of proceeding; either an indiscriminate reversal of all the attainders, or a selection. To the first mode there were found objections, almost insurmountable. Indeed, some of those, lineally descended, did not, on considerations of property, wish for the extension of the bounty to them. In making a choice, government found the necessity of selecting those respecting whom no doubt existed regarding the original patent, as well as those who were desirous of preferring their claims. As the restoration of blood was, in the language of the law, a matter of grace and favour, he should not enter into any further explanation on the subject, except to observe, that no duty could be more pleasant than that which had thus devolved upon him. As accidentally, the bill for the reversal of the attainer of the Earl of Mar was the last brought in, he begged just to remark, that that earldom was one of the most ancient in the kingdom; and, according to Lord Hailes, existed before any records of parliament.

The bills were respectively read a first time.

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### IRISH INSURRECTION BILL.

JUNE 14, 1824.

In the debate on the motion for the second reading of the Irish Insurrection Bill,—

MR. SECRETARY PEEL said, he concurred with the opponents of the bill in admitting it to be unconstitutional and severe, and regretted its necessity; but as to its efficacy, he altogether differed from them. If it could be shown that not only was the measure unconstitutional, but also inefficacious, then indeed the objections to it would be unanswerable; but he maintained, that everything which had yet transpired on the subject, had proved its efficacy. It was the unanimous opinion of the members of the committee—men differing widely in their general political views—that it would be unsafe for parliament to separate without giving to the executive government in Ireland the powers conferred by this Act. It was the unanimous opinion of the committee, that, as a measure of prevention, it had already been successful, and was likely to succeed better than any other, in preventing such lawless outrages as had afflicted several parts of Ireland last year. He asked for the bill only as a temporary measure, until the end of the next session, by which time he hoped all further cause for it would be removed. It had been objected to it, that Ireland was now tranquil, and did not call for it. It was asserted, that it had, and would continue to have, the effect of producing general discontent with the laws. These, at least, were not consistent objections, for if it had produced such discontent with the laws, that they were no longer respected, that would be one reason why it should be continued for a time longer. It was idle to say, that this measure was called for by the Protestants of Ireland, to enable them to oppress their Catholic fellow-subjects. A greater libel on the Protestants of Ireland could not be uttered. No; it was called for to protect all dutiful and loyal subjects, without reference to any sect or class, from such outrages. It was for the protection of the poor peasant, as well as of his rich landlord. They had already heard of the houses of landlords being barricaded during the night, and frequently during the day, so completely as to give to the interior the appearance of night. A very natural feeling of pity was expressed for the situation of those who had been obliged to resort to such means of protection; but, there was another class of persons who were equally entitled to pity, and to protection—he meant those industrious peasants whose thatched cottages afforded no such means of defence. From the evidence of Mr. Bennett it appeared, that the houses of almost all the peasantry were thatched, and of course easily destroyed by fire, and that very many peaceably disposed peasants were obliged to join in nightly depredation on others, to protect their own houses and families from being destroyed; which would be the case if they refused. Why

should such persons be left without the protection afforded by this Act? It appeared that, before the passing of this Act, there were not less than fourteen murders committed in one barony in two years, and yet in not a single instance had the perpetrators been discovered. The Insurrection Act was certainly a bad thing, but murders and burnings were a great deal worse. He for one should be willing rather to live under such a law, than be nightly exposed to the fear of having his house burnt, and his wife and family driven out to be shot. He begged the House to recollect the case of Mr. Shee, where a whole family, consisting of sixteen persons, were all destroyed by such a nightly attack. If the Act prevented a single crime like this—kept a single family from such a fate—it was a benefit. The evidence showed that combinations had been broken up. The House must at the same time recollect, that the measure was not to be the permanent law of the country. But would any person trust during the next winter to the “dove-like” simplicity to which the hon. member had alluded, for the security of Ireland; or could it be thought that the country would be tranquil without this measure? The seeds of discontent had been sown, according to the hon. member, who had begun with Strongbow, for centuries. Could one session of inquiry, then, be expected to root them up? He did not suppose the magistrates were all pure; that no instance of corruption could be found; that government had always been perfect; but, whatever might formerly have been the case, he was sure that since his present majesty’s accession, attention had been paid to improving the magistracy, and that measures of severity had been relaxed. Ireland had been relieved from taxation, and her other wants had been attended to. He wished, as much as any gentleman, that religious animosities were abolished; he only differed with hon. members as to the efficacy of the plans which they recommended for this purpose.

On a division, the motion for the second reading was agreed to by 112 against 23; majority, 89.

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## ABUSES IN THE ISLE OF MAN.

JUNE 18, 1824.

Mr. Brougham having presented a petition from the Speaker, and several of the members of the House of Keys in the Isle of Man, respecting certain alleged abuses in that Island,—

MR. SECRETARY PEEL said, he felt that many of the charges were, in fact, against himself, and not against the Duke of Athol, and he rose with a confident expectation that he should be able to satisfy the House of his innocence. One accusation was, that the House of Keys had been deprived of their right of forming part of the criminal jurisprudence of the Isle of Man, and it was insinuated that he (Mr. Peel) had so excluded them, because they had displeased the governor. The question of their right to sit in the criminal court, and thus to control the jury, was disputed in 1823; and he had required to be furnished with all the papers on the subject; the Duke of Athol sent them, accompanied by the opinion of Mr. Clarke, the attorney-general of the island, that the House of Keys had no claim to sit without summons. The point was referred to the attorney and solicitor general, and they had twice confirmed the opinion of Mr. Clarke. On the 30th April last, he had, therefore, written to the lieutenant-governor, stating, that if the Keys were not summoned, the secretary of state was only anxious that the question should be brought, in consequence, before a competent tribunal—the privy council. No appeal had been yet made, but a petition, on the contrary, had been presented to the House of Commons. Three prisoners had been convicted in the Isle of Man, one of them capitally, and notice was given him that he might appeal. The prisoner replied, that he could not afford the expense; to which he (Mr. Peel) had answered, that as a great public question was involved, the government ought to bear the charge. The right hon. gentleman contended further, that the Duke of Athol had expended far more than the revenue he derived from it, upon the internal improvement of the Isle of Man, and he had never heard of any accusation against his grace, of having abused the powers of his office for the sake of doing injustice. He could not deny that there



had, been unfortunate bickerings and disputes between the Duke of Athol and the House of Keys, and his (Mr. P's) great object throughout had been to accommodate differences, and to induce the parties to bury in oblivion past animosities. So lately as the 5th July last, the House of Keys had felt much exasperated against the Duke of Athol, for certain language used by the latter; but after a meeting between them, a resolution for reconciliation had been agreed upon. Since that date there had been no real ground for complaint; but the House of Keys had taken up a most mistaken notion, that his grace had been instrumental in depriving them of their supposed right to sit in the criminal court. He was sorry to be under the necessity of stating his reasons for advising the Crown to suspend Mr. Vaughan from his office of judge. A Mr. Fell had written to him, mentioning that a female servant, whom he had brought from Liverpool, had formed a criminal connexion with the judge, which induced the latter to give her counsel and advice in a suit she had commenced against her master. Mr. Fell also accused the judge of other mal-practices, in reference to an action brought for defamation against Mr. Fell arising out of these transactions. After various inquiries into the character of Mr. Fell, he (Mr. Peel) had referred the matter to the attorney-general of the island, and the fullest investigation having taken place, it was found that the proofs of misconduct against the judge were so strong, that he could not avoid dismissing him from his office. It was true that the counsel for inquiry was held at the house of the governor, but that was not out of the usual course. Upon his honour as a gentleman, he (Mr. Peel) declared, that in removing the judge, he had never for a moment considered whether that individual was or was not offensive to the Duke of Athol. He justified the Duke's conduct in other particulars, with the exception of some little excess in the language which he had used in one or two of the instances which had been given.

The petition was ordered to lie on the table.

## ADDRESS ON THE KING'S SPEECH, ON THE OPENING OF THE SESSION, FEBRUARY 3, 1825.

FEBRUARY 4, 1825.

On the bringing up of the report on the Address in answer to the King's Speech by Lord F. L. Gower, on the day after the opening of the Session,—

MR. SECRETARY PEEL, who arose fifth in the debate, immediately after Sir J. Newport, observed, that he would not be provoked by any expressions which had fallen from the right hon. baronet, to anticipate the regular discussion which would soon take place upon the topics to which he had adverted. It was, as the right hon. baronet had justly observed, most true, that by giving an assent to the Address, no member was pledged to support the specific measures with respect to Ireland, which it was in contemplation to submit to the consideration of the House. In the course of the evening, his right hon. friend, the secretary for Ireland, would give notice of the steps which it was intended to pursue. In taking that course, his Majesty's government was prepared, upon its own responsibility, to submit certain measures to the consideration of parliament. With respect to the Catholic Association, though, on a future day, that subject would come before the House more directly, he did not hesitate to say, that he considered its existence not consistent with the popular privileges and liberties of the representative body of the kingdom. He could not help thinking, that such must also be the conviction of many persons who, on other questions, did not agree with him. He spoke not of those who considered the existence of that Association, as trenching on the supremacy of the Crown, and the prerogatives of the executive, but he would put it to any unprejudiced man who valued the popular institutions of the country, whether its continuance was not incompatible with the privileges of parliament, and the due administration of justice. Could the House of Commons tolerate a body which assumed to itself the power of levying a tax on a portion of the king's subjects? Was it consistent with the pure administration of justice, that an unrecognised assembly should presume to overawe the judicial administration of the country? As he before stated, he was unwilling

to enter at large upon a question which would be the subject of future discussion; but he was convinced, that when fully and impartially considered, no man who valued the popular institutions of the country could give his support to an Association, which, though perhaps tolerated by an evasion of the law, was manifestly opposed to the spirit of the Convention Act. He could not believe that the acts of the Association received the deliberate support of the great body of the Roman Catholics of Ireland. He could not believe, though opposed to their claims, that any great and respectable class of the community could subscribe to that doctrine which was recorded in their public proceedings, of appealing to that hatred which, as Catholics, they were presumed to bear to another portion of their fellow men. And yet, when a Roman Catholic gentleman, attending a meeting of the Association, proposed the erasure of such language, as inconsistent with the dictates of religion and the spirit of Christian charity, his objection had been unanimously overruled. Again he would repeat, that he never could bring himself to believe, that any large portion of the people would tolerate such a sentiment as was expressed in the address which had emanated from the Catholic Association. If, however, the Catholics generally participated in such feelings and opinions, then, indeed, how additionally strong became the reason for excluding from political power persons capable of holding such tenets! No; he could not believe that the Catholic community would adopt such principles; for he had always hitherto heard their best advocates entreat that the errors of the few should not be visited upon the heads of the many. It was not a little strange that, whilst several gentlemen called upon the government to permit this Association to remain, they were loud in their denunciation of another Association in this country, against which the same cause of complaint did not exist. An hon. and learned gentleman (Mr. Brougham) had last night alluded to some supposed difference of opinion among the members of the cabinet upon particular subjects: he had talked of those who were always ready to sacrifice their opinions for the preservation of their places, and that there was one who would pocket any popular opinion of the day, to preserve his official power. He was certainly much disinclined to speak of himself—

Mr. Brougham.—I did not mean you.

MR. PEEL said, he did not wish to separate himself from his colleague, the Lord Chancellor of England, to whom the observations he alluded to were understood to apply. Of that eminent individual he could not speak in terms of adequate praise. He believed his name would go down to posterity, as that of a man of great and exalted merits, and that notwithstanding the failings imputed by some men to some of his acts, he would go down to posterity as being the most consistent politician who had ever held the great seal. The whole tenor of his official life was the best answer to all the calumnies which had been heaped upon his character. With respect to his own opinions—and for them he only meant now to answer—he could declare, that his original view of the Catholic question had been strengthened and confirmed by the experience of subsequent events; and he claimed credit for the sincerity of his opinion, when he declared, that he was prepared to make any official sacrifice, rather than abandon his principles. The right hon. baronet had said, that he (Mr. P.) and the Lord Chancellor, were the persons who ought to be held responsible for the establishment of the Catholic Association. For himself, he could assure the right hon. baronet, that the imputed responsibility was groundless; for he had never opened his lips upon the subject, in the manner in which he was supposed to have done. He was ready to discharge his duty, and he called upon parliament to put down an Association calculated to engender hatred, strife, and every kind of bitterness. If it should be the decision of parliament that the Association ought to be put down, he never could believe that the Catholics would not acquiesce in the decision. The hon. member for Westminster had stated it to be his opinion, that if the legislature should make a law declaring the Association illegal, nothing but the employment of military force could obtain obedience to it. He never could believe that. He was quite sure, if such a law were passed, that law would be readily obeyed by the Catholic body.

Later in the evening, in reply to Lord Nugent,—

MR. PEEL rose to explain. He disclaimed having stated that the hon. and learned gentleman opposite (Mr. Brougham) had said that the Constitutional

Association was illegal. The learned member for Peterborough had, he believed, doubted its legality. The noble Lord (Nugent) misunderstood the sense in which he meant to apply the word "illegal." He merely meant to say, that the hon. gentleman opposite had contended, that the Constitutional Association was an Association inconsistent with the spirit of the constitution, and that all the objections which could be urged against any society confederating to institute prosecutions, applied with still greater force to the Catholic Association. That was the whole extent of his observations.

The Address was agreed to.

## UNLAWFUL SOCIETIES IN IRELAND.

FEBRUARY 10, 1825.

In the debate on Mr. Goulbourn's motion, for leave to bring in a Bill to amend certain Acts relating to Unlawful Societies in Ireland,—

MR. SECRETARY PEEL arose, he said, to state a few of those grave considerations by which his vote of that night would be directed. He would first notice an argument that had been made use of, in the course of this discussion, by an hon. member, the effect of which, if it were well founded, would be to take away from government, or from parliament rather, all right of interference in the case of associations that might be deemed illegal. The hon. gentleman had expressly said, "he would not vindicate the acts of the Catholic Association; he thought them to be, in many respects, indefensible, and he could not stand forward as their advocate." But still that hon. gentleman conceived, that the hands of the House were tied up—that these people laboured under such a grievance, as took from the House all right of interference with their proceedings; those proceedings being admitted, by the hon. gentleman himself, to be indefensible. Why, if this were so, there was an end of all their deliberations in that House, on this or on any other subject. If that doctrine were to prevail, it must follow that the subjects of this country, if they should imagine themselves to be suffering under a grievance of this or any other kind, might resort to unconstitutional measures for their redress; which measures, however, parliament could not interpose to check, until those grievances should have been first removed. Now, he maintained, that from the moment parliament recognised such a doctrine as this, they would abdicate their legislative functions altogether. It seemed necessary to approach this argument in the first place, before he proceeded to any other observations; for if the principle were once accepted, where was its application to terminate? Where were these Associations to end? There were many persons who considered the representation of the people in parliament to be so bad and imperfect, that a large portion of the people were deprived of their rights. Now, that might be considered a grievance, and a grievance of a very heavy kind; and if the argument he had alluded to were to be admitted, why might not the country expect an Association for the purpose of obtaining parliamentary reform [cries of hear, hear!]? What would be the consequence of such a system he knew not; but he called upon the hon. gentlemen, who expressed by their cheers their willingness to have such Associations, that if they admitted the principle in one case, they must expect Associations for the removal of every real or supposed grievance; and if parliament should afterwards think of putting an end to them, the answer would be, that the subjects of the country, and not its legislature, were the proper judges of those grievances, and of the propriety of the measures to be taken to redress them. That, however, was not his reading of the law. He conceived parliament to be the sole constitutional judge of these matters, and if the parliament thought a law ought to be continued, those who fancied themselves aggrieved by it, must not resort to unconstitutional measures to procure its abolition. They might petition—they might represent their grievances to parliament, and their petitions and representations would be taken into consideration; but parliament would abandon its duty, if it allowed any body of men to act independently of its authority, and only according to their own free pleasures. He claimed the right of parliament to act as it should think fit, if it should deem the Catholic Association, or any other of the same sort,

at variance with the principles of the constitution.—He should consider this Association in two ways—as a political body, and as a body interfering with the administration of public justice. He should first consider it as a body interfering with the administration of public justice. In doing this, he should follow the example of the hon. and learned member who spoke last, and should cite the authorities of eminent men—of men to whose opinions he should always pay respect, and whose sentiments, though expressed on another subject, applied with peculiar force to the present. He should first cite their opinions as referring to Associations, in the character of societies for the prosecution of offenders. These societies had lately been very much before the public, and had been the subject of considerable discussion in that House. To one especially he should refer. It was denominated by its own supporters, “the Constitutional Association;” but it was termed by the advocates of extreme decency and gentleness and moderation, both in act and language, on the other side of the House—“the Bridge Street Gang.” [A laugh]. It would be no answer to him to say, that this society had not been suppressed by the government. Such an argument was at no time conclusive; but, in the present instance, if it should be used, it would be peculiarly inapplicable. At least, it would not have the smallest application to him. He was no member of the society—he had never lent the authority of his office to the society; but, though he had done none of these things, yet, he must say, that he thought there was a marked distinction between the Constitutional and the Catholic Associations; and that every argument which had been considered applicable to the Constitutional Association would apply with tenfold force to the Catholic Association. But following the example of the hon. and learned gentleman, who had just resumed his seat, and wishing to embellish his speech by the eloquent opinions of greater men than himself—by the sentiments of greater authorities—to whom he should introduce, not merely general observations, but principles applicable to all times; and he should leave it to the House to say, whether they did not peculiarly apply to the present question. The first quotation would be from the hon. member who made the motion with respect to the Constitutional Association; and he need not hesitate to give that hon. gentleman’s name; for it was one, dear, he was sure, to every friend of liberty, and one that he could not mention without that feeling of respect which was due to the private character and public consistency of a man from whose political opinions, however, and from the whole tenor almost of whose public life, he had the misfortune entirely to differ—he meant Mr. Whitbread [hear, hear]. The hon. member for Middlesex had said, when speaking of the Constitutional Association, that “he had always observed, even in the transactions of private life, that individuals acting collectively would openly avow proceedings which, in their individual character, they would have been ashamed to acknowledge. He did not pretend to any deep knowledge of the law. but he would contend that the Association was formed against the common law of the land, and in opposition to the Act of Maintenance. That Act was passed to prevent oppression; and he thought that subscribing to prosecute individuals at the suit of the king, came under the description of Maintenance, and within the contemplation of the Act.” The hon. member for Middlesex was of opinion, therefore, that such societies were contrary to the Act of Maintenance. He did not know whether the Roman Catholic Association of Ireland were aware of this Act or not; but he contended, that if this doctrine were true, whatever might be the object of such a confederacy, it came within the meaning of that Act; and that parliament was bound, at any rate, to provide a bill that should remedy such an evil. But, he would now resort to legal authorities, which on such a subject must be considered as entitled to greater weight than any others. From among the legal authorities, the opinion he should first cite was that of an erudite civilian. He did not mean, however, to confine himself to gentlemen learned in the civil law alone. He should take the opinions of men engaged in all the branches of the law, but should commence with the learned civilian, who, as a member of that House, had expressed his opinion on these Associations. That learned doctor (Lushington) had commented with great force on the difficulty which would be imposed upon persons, if they were maliciously prosecuted, in afterwards obtaining compensation in damages for the injury they had sustained. Now, suppose the soldier, whose case had recently been mentioned, should commence an action for a malicious prosecution, would he

not lie under those difficulties to which the learned civilian had referred? He afterwards said, that "if counter-associations should be resorted to, nothing but dissension and ill-will would be seen, instead of that peace and quiet to which the country was so anxiously looking." Would not any person who heard these remarks, without the observations with which they had been introduced, suppose they had been made in the course of the present debate upon the Catholic Association? Certainly they would; and, in fact, nothing could be clearer than their application to this subject. He would now resort to the opinion of those who were distinguished ornaments of the profession of the common law. He would first of all take the opinion of an individual who now, with great credit to himself and benefit to the country, presided occasionally as a judge in one of our courts of justice. He alluded to the common serjeant (Mr. Denman). The opinion of that learned person was, that "the great objection to the Constitutional and all similar associations was, that they could not exist without becoming a seminary for spies and informers." The case of the soldier which has just been alluded to by his right hon. friend, who had been proved innocent, not by the verdict of a jury merely, but by the unanimous decision of a bench of forty-three magistrates differing widely in religious and political sentiments, proved beyond dispute that the proceedings of the Catholic Association had given rise to an innumerable swarm of spies and informers. That soldier had nearly fallen a victim to the artifices of such miscreants; and thus experience proved, that when Associations were formed of such a nature as that whose demerits they were now considering, the prediction of the common serjeant must instantly be realized. The learned gentleman had gone on to say, that "as to the formation of a counter-association, nothing could be more injurious to the administration of public justice than for two parties to be constantly running a race with each other, endeavouring to pour their several friends into the jury-box, and thus to gain a triumph over the law." Now, if all the Catholics of Ireland were subscribers to the Catholic Association, and if other Associations were to be formed to counteract its proceedings, there would undoubtedly be a constant endeavour, in both parties, to pour into the jury-box their several friends, and thus to obtain over the law that triumph which the common serjeant had so clearly predicted. He now approached the authority of the hon. and learned gentleman (Mr. Brougham) who was considered as the political leader of the other side of the House. His opinion was quite as strong as that of the other respectable authorities he had quoted; and was the more valuable as it furnished him with an answer to an objection which, in all probability, would that evening be produced. He had no doubt he should be followed in the debate by those who would ask him: "How is it that you, who approved of the Constitutional Association, are now so eager to repress the Catholic Association?" The first answer he would give to that question would be this—"the two Associations are very different." He was sorry to be diverted from the point on which he had just been going to address the House, but he thought a fit opportunity was now offered to him of pointing out the broad distinction which existed between these two celebrated Associations. It might, perhaps, be only right in him to state, that he had never been either directly or indirectly a member of the Constitutional Association; and that he never would be a member of any such Association, unless that occurred, which he had no right, even for the sake of argument, to suppose would occur; namely, that government should obstinately refuse to the subject the protection it owed him. He never, he repeated it, would be a member of any Association which interfered with the functions of the executive government, and which volunteered the duties which the constitution appointed efficient and responsible officers to discharge. He would now repeat that these two Associations differed from each other, upon grounds which it was utterly impossible for any man of sense to confound. For instance, he thought that the Constitutional Association, supposing a murder to have been committed, would never have published an *ex parte* statement of the evidence by which it was to be proved; and sure he was, that they would never have got together a band of spies and informers to prove the commission of a murder which had never been committed. Yet, all this had been done under the influence of the Catholic Association. So that there was the widest distinction between the two societies; the one limiting its prosecutions to the case of blasphemous and seditious libels, and the other extending them to the highest offences known to the law—the

neglect of magistrates to perform their duties, and the commission of crimes as atrocious as murder. But to return to the opinion of the hon. and learned member for Winchelsea. That hon. and learned gentleman had said, that, "in his opinion, a man might with perfect consistency approve of the other societies alluded to incidentally, and yet disapprove of that under the notice of the House, as the distinction between them was as clear as possible. Some offences were, and ought to be prosecuted, though many a man would feel a repugnance at having his name mentioned in the same line with such an offence, even as its prosecutor. The argument drawn from the societies to prosecute for thefts, could not apply to the present Association. How was it possible that a man's feelings could be so interested in the case of a theft, as they would be upon a question purely political? Party feeling would interfere, and even the jury become contaminated with it, by the encouragement of such a society as this. The remedy proposed would be an aggravation of the mischief; for, as had been well observed, it would lead to the pollution of the very fountain of justice." The hon. and learned gentleman had in these words expressly described the case of the Catholic Association. It prosecuted for offences which, in their nature, were purely political; and, by so doing, tainted the administration of public justice. They took upon themselves legal functions—they sent agents into the country to prosecute for political offences, and from that moment they tainted the administration of justice. The hon. and learned gentleman then proceeded:—"The society was, in fact, evidently erected for party purposes—to punish libels on one side, and, if not to encourage, at least to leave untouched all those on the other. For these reasons, he considered it dangerous that such a society should exist; and if anything could increase his abhorrence of it, it was the sort of defence by which it was endeavoured to be sustained." With this language he fully concurred. If anything could increase—he would not say his abhorrence, but—his alarm, at this Association, it was the ground upon which he had that night heard it defended. He was sure it would be gratifying to the friends of government, to hear such sound principles advocated by the other side of the House, especially as they were so strictly applicable to the Catholic Association [hear].—He should now advert to what had fallen from another hon. and learned gentleman on the other side, the member for Peterborough (Mr. Scarlett). That hon. and learned gentleman was one of the most distinguished ornaments of the Court of King's Bench, and, from the rank he held in his profession, as well as from the respectability of his private character, was entitled to have the opinions which he stated in that House, on points of law, viewed with the most profound attention. The hon. and learned member for Peterborough went even further than any of his learned colleagues. He said, that "he could not concur with his hon. and learned friend in pronouncing this society to be legal: he thought it usurped the functions of the attorney-general, in whose hands prosecutions for political offences were vested by the government, and where he thought the discretion of instituting them would be exercised with more coolness than this society was likely to use on such subjects. Any set of men arrogating to themselves such a power of prosecuting for political offences, assumed an unconstitutional power, which he considered dangerous, and which he could not easily be persuaded was legal. He meant to pronounce no conclusive opinion until he had all the acts before him." Having, then, these concurrent opinions from the other side of the House, that an Association founded upon such principles, though it perhaps might be legal, was at any rate unconstitutional; that its proceedings were not merely dangerous to the tranquillity of the country, but fatal to the impartial administration of justice—seeing that all the arguments which applied to the Constitutional Association applied with still greater force to the Catholic Association—had he not, he would ask, gone a great way to prove that the House ought not to reject, he would not say the measure, but the consideration of a measure, which was calculated to apply a remedy to an evil of which he was sure that scarcely one man in ten would seriously deny the existence?—He was now discussing the operation of the Catholic Association, as it affected the administration of justice in Ireland; and he therefore called the attention of the House to what he deemed a most important consideration. He ought, perhaps, to have stated, that the discussion, in which the opinions which he had just read had been advanced by the hon. and learned gentleman opposite, occurred previously to the discussion which afterwards took place in the Court of

King's Bench respecting the legality of the Constitutional Association. Now, let the House mark how that discussion bore upon the present question. In the year 1821, the present lord mayor of London was one of the sheriffs of London and Middlesex. A prosecution had been instituted by the Constitutional Association against Dolby, for editing a seditious or a blasphemous libel. The sheriff, Mr. Garratt, who had been a subscriber to that Association, had returned the panel from which the jury, who were to try the indictment, were to be chosen. A challenge was accordingly made to the array. It was objected to this challenge by the sheriff that he had withdrawn from the Association, and that he had publicly declared so in a letter he had written to its secretary at the time of his being elected sheriff. That was afterwards proved to be fact; and yet, notwithstanding, the Court held that he was disqualified from performing the duty of returning the jury. Nay, more; in the course of the trial, a question was submitted to triers appointed by the Court; and on its being attempted to examine him as a witness, the Court ruled that he could not be admitted as a witness, because he was unindifferent. Now, supposing Mr. Garratt had been in the situation of a grand juror, would not the same objection of unindifferency have also applied to him? He believed that a challenge against him on that ground would have held good; at any rate, it would have applied to him as a common juror, for the Court of King's Bench, upon application being made to it, had ordered the attorney of the Association to afford the defendant a list of its members, in order that all of them who were returned upon the jury list might be struck out of it [hear, hear]. Now, he would call upon the House to apply this rule to the Catholic Association. Was not every Catholic who had subscribed even one farthing to this Association disqualified, on account of his unindifferency, from sitting as a juror on any prosecution which it might institute? Was not the very fact of his subscription a proof of his unindifferency? They had been told that evening, that every peasant in Ireland was a member of the Catholic Association. If this were so, was not justice likely to be tainted in its administration, when nearly every person who was qualified to sit upon a common jury was disqualified by his own act? Was not a system which gave rise to such inconvenience, neutralizing and rendering null the various benefits which parliament had recently conferred upon the Catholics of Ireland? Parliament had recently enabled them to act as jurors and grand jurors; and yet here was an act of their own body, which set them aside as jurors, if they had subscribed one farthing to the Catholic rent [hear!]. He knew not what answer could be given to this argument; but if it were well founded, it appeared to give to the House a decided right of interference on this most important and interesting subject. He called upon the House to consider the consequences to which a continuation of the present system was likely to lead in populous parts of the country, where the rent was regularly paid. Suppose an offence which involved a party question and enacted party animosity came on for trial, in what a situation would the Court be placed? How could a panel be formed of parties perfectly indifferent? Nay, the evil which he was now pointing out to their attention had actually occurred. His right hon. friend had detailed two instances: and the hon. baronet who had replied to him, thought that he had given his right hon. friend a very triumphant answer, when he had told him that they were but two. Now, his right hon. friend had mentioned these two instances, merely as a specimen of what was now going forward in Ireland: he did not say that he could not have furnished the House with two hundred similar instances. The objection was not to the evil in any particular case, but to the taint which it cast upon the administration of justice [hear, hear]. The hon. baronet had also undertaken the defence of the Association against his right hon. friend, and in such a strain, that if there were any truth in his argument, the powers of the Association, instead of being diminished, ought to be increased. To show, however, the extent of the nuisance which this Association caused, he would read to the House an extract from one of the Irish newspapers which had last arrived. It appeared from it, that at a meeting of the Catholic Association on Wednesday last, a gentleman, to whom it had been referred, made a report on the case of John Cahill, and the Rev. Allan Cavendish. He did not know whether he might be wrong or not in so doing, but he must ever protest against the principle on which these reports were made. This Association, be it known to the House,

had appointed a committee to report upon the conduct of a magistrate, who, if the report were unfavourable, would afterwards be put upon his trial at its expense. Would any man rise in that House, be the conduct of Mr. Cavendish what it might, to vindicate the propriety of such a proceeding? Here was a body with large funds at its disposal, which it expended in instituting an inquiry previous to trial, and which brought in its report declaratory of the party's guilt or innocence, before it even placed him upon his trial. In the present instance, the committee had even done more than make a report declaring the guilt of Mr. Cavendish; for the conclusion it had come to was this—that a memorial should be presented to the Lord-lieutenant on the subject of that gentleman's improper and illegal conduct. Nay, more, the gentleman who brought in the report actually moved, that the action in the case of Cahill should be defended at the expense of the Association, and also, that a petition should be presented to parliament, praying that Mr. Cavendish should be removed, as being an unfit person to act as magistrate. The Association, if its aim were justice, might at least have postponed the petition to parliament till after the conclusion of the judicial inquiry. But no—at the self same moment the associators published the memorial which they presented to the Lord-lieutenant, and sent the magistrate to trial, not only with the disadvantage of a previous condemnation, but also with the disadvantage of having it known that a petition was to be presented to parliament against him, for what he had done as a magistrate. He had no means of knowing any thing of the merits of this transaction except from a letter of the Earl of Donoughmore on the subject, which a gentleman had read to the Association. Here Mr. Peel read Lord Donoughmore's letter, in which he declared, that as governor of the county he had examined into the charges made against Mr. Cavendish, and had found them groundless! that he had transmitted fourteen folio pages of depositions which he had taken during the examination to the Lord Chancellor, who had not only acquitted Mr. Cavendish upon them of the charges adduced against him, but had also applauded his conduct on the very grounds intended to criminate him, and that he considered the further persecution of this excellent gentleman to be an act of oppression on the part of the Association. Now, when such was the opinion of a nobleman who had always been friendly to the Catholics, of the nature of their conduct, was it possible that the gentlemen of Ireland would undertake the duties of the magistracy, if they were to be liable to such attacks in the performance of them? For the vindication of the magistracy—for the maintenance of the laws—for the impartial administration of justice—he called upon the House to consider of the propriety of applying some remedy to that which he trusted he had now indisputably proved to be a most afflicting evil [loud cheers!]. He did not think it necessary to detain the House any further, with regard to the proceedings of the Catholic Association in corrupting the administration of justice. He would therefore next call to their recollection the political nature of this imposing body; and in doing so, he must beg their attention to a few facts. Here was a body which had now been in existence for more than a year, under the pretence of preparing a Catholic petition to parliament. That body imitated, or, he should rather say, travestied, all the proceedings of that House—a matter of little importance in itself, but which, combined with others, assumed a certain degree of consequence. It separated in summer as the House of Commons did. It met again in the month of October. The hon. baronet had told them, that when he was in Ireland in September, he found the country perfectly tranquil; but he had forgotten to mention a slight fact that was not, however, unimportant; namely, that the Catholic Association was not then sitting. The hon. baronet had likewise told them that he had returned to it in November, when he found the inhabitants arming in defence of their lives and property, and an alarm prevailing amongst all classes, which was evidently unfounded and exaggerated. The hon. baronet had here also forgotten to mention another slight circumstance which was not wholly unimportant; namely, that on his return he found the Catholic Association sitting—that it had been sitting ever since the 16th of October—and that its schemes, which had then been six weeks in operation, had produced all the alarm which the hon. baronet had so strongly deprecated. The hon. baronet, however, had disregarded this cause of the alarm which agitated Ireland from its inmost centre, and had attributed it to another, which was perfectly ridiculous—the presence of the Bible missionaries in Ireland. The strange notion



which the hon. baronet had formed upon this subject, recalled forcibly to his mind a fable of very ancient date, though of uncertain origin. In this fable it was represented, that a great pestilence had fallen on the beasts, and that they had a congress, or perhaps an association, to deliberate on the cause of it. The lion, the tiger, and the other animals who delighted in blood, all asserted that they could have nothing to do with the cause of it; but having discovered that an ass had eaten of a thistle on the Sabbath, they agreed, with the utmost unanimity, that the ass must have been the animal that had called down the anger of Heaven, and therefore sacrificed him to appease its vengeance. The hon. baronet reminded him strongly of this fable of the ass, when he attributed the alarm of Ireland to the missionary wanderings of Captain Gordon and Mr. Noel [a laugh!]. Did the hon. baronet recollect that at that very time the Association had published the address which had since been so often quoted? Could he find nothing in that address more alarming than the presence of Captain Gordon; could he find nothing in it to excite alarm in the breast of every Protestant, when he found the Catholics adjured to unanimity by their hatred to Orangemen? Could that phrase of Orangemen be confined to the mere illegal associations which were so called, or was it not as notorious as the sun at noon-day, that by it all the Protestants of Ireland were designated? When such phrases were used, was there not a cause for the alarm which existed very naturally, though in a very exaggerated degree, throughout the whole of Ireland? This body, he also begged the House to observe, had a complete organization throughout the country. He did not mean to say that this organization was for the purposes of mischief; but this he had a right to say—that it was calculated to excite suspicion. The spirit of our constitution was founded upon suspicion; and he had a right to assume it likely that this body, though it might not intend evil at present, might be turned to it at some future period. This body had its agent in every parish, and its correspondent in every town. Their intentions might be good; but with such machinery, how easily might they be converted into a political engine of the greatest mischief? The hon. baronet had told them, that all their precautions to put it down would be unavailing. He had said, “Abstain from all legislative measures: this nuisance, if nuisance it be, will speedily abate of itself. I have the authority of a Catholic clergyman high in their confidence, to say that they only want to raise a small sum in order to give a contradiction to some taunt of Lord Liverpool.” He did not know whether the hon. baronet, though he repeated, believed the story of his informant; but, at any rate, he must remind the hon. baronet, that it was directly in the teeth of the proclamation published by the Association itself. In that proclamation they declared it to be their intention to raise £40,000 or £50,000 a-year. Of this sum £5,000 was to be employed in controlling or enlightening, as they called it, the public press of England. Another £5,000, and they were very liberal in their votes, was to be applied to the preparing petitions to parliament. Now, he hoped that the subscribers would demand a rigorous account of the expenditure of this money; for they ought to be informed, that petitions to parliament cost nothing but the parchment on which they were written, and could be transmitted free of expense to any member whom they selected to present them. Then, part of it was to be expended in paying an agent in England. Another £5,000 in sending priests to North America, and another £5,000 for the conversion of their haughty and heretical neighbours in England. If the contribution of one farthing a-piece from each Catholic in Ireland enabled the Association to raise such large sums, surely there was ground enough laid for the interference of the House. Was it not a fit subject for its jealousy, when it was found that it had instituted committees of finance, of grievance, and of education? The assumption of such powers was, in his opinion, inconsistent with public liberty, and ought therefore to be put down without delay. The House was accustomed to admire the popular part of our constitution, and justly; for the checks by which it was guarded were extremely wise. It held its deliberations under the will of the Crown, which could be suspended by it at any moment. No such check existed upon the Catholic Association; which held its meetings in no definite place, and was free from all control as to their time or duration. The House never instituted a criminal prosecution without great precaution, and always with and by the consent of the Crown, to which it previously sent an Address. The House, too, always guarded against bearing down an individual by its weight; but no such

scruple existed in the members of the Catholic Association; it was under no control as to the prosecutions it instituted, and even went deliberately to create prejudices against the accused, by distributing *ex parte* statements of the evidence to be produced against him. In that House they were not accustomed to vote away money to individuals, without a committee being appointed to examine into his claims to remuneration. The Catholic Association, on the contrary, voted away money at will, without any restrictions, and thus arrogated to itself powers which were possessed by no other body in the country. What would be the consequence of establishing the principles on which it was founded?—the establishment of counter-associations in all directions, by individuals for their own protection. The country would, in consequence, be filled with dismay, confusion, and anarchy; for if parliament would not provide protection for individuals, it might be taken as a certain truth, that individuals would very soon provide it for themselves. It appeared therefore to him, both with reference to the political mischief, and the corruption in the administration of justice which this Association was calculated to create, that the House was bound to apply the remedy which his right hon. friend had that evening proposed. He had too good an idea of the supremacy of the British parliament to think, that it would require the triple military force predicted by the hon. baronet to carry it into effect. He had too good an idea of his Roman Catholic fellow-subjects to think that they would place themselves, on account of it, in opposition and defiance to the government; but, be that as it might, he considered that sufficient had been shown to justify that government in applying the remedy which his right hon. friend had pointed out to it.

At a late hour, the debate was adjourned till the following day, Friday, when, after another long discussion, it was again adjourned till Monday; and then again till Tuesday; when, upon a division, Mr. Goulbourn's motion was carried by 278 against 123; majority, 155. The bill was then brought in, and read a first time.

## UNLAWFUL SOCIETIES IN IRELAND BILL.—MOTION FOR HEARING THE CATHOLIC ASSOCIATION.

FEBRUARY 18, 1825.

In the debate upon Mr. Brougham's motion, "That the Roman Catholic Association be heard by themselves, their Counsel, or Agents, and Witnesses,"—

MR. SECRETARY PEEL said, he should studiously avoid those topics which were connected with the general question that had occupied their attention for four nights. He must first ask himself, Is the claim of the petitioners founded in justice? Is it consistent with parliamentary usage? Is it demanded in equity? and if he should find that the demand was not supported on either of these grounds, he was prepared to resist it. He wished to meet the question fairly; was the claim consistent with justice, with parliamentary usage, or was a compliance required to supply the defects of evidence? With respect to precedents, although he did not think this should be conclusive, yet, if he found they ran in one uniform stream, it was a strong implication that the general conduct of the House had been regulated with a due regard to the interests of the country. The gentleman opposite had, in his judgment, completely failed in adducing a precedent strictly applicable to the case. He conceived the general rule to be this—if a general measure be introduced, in which parties feel their pecuniary interests affected, they have a right to be heard; the House is then like a court, adjudicating on civil rights, and they would not proceed without hearing the parties. The splendid precedent adduced by the learned gentleman. of the hawkers and pedlars, which crowned the climax of his authorities had, in his opinion, completely failed. What was the fact? A bill was introduced, affecting the interests of a certain class of subjects, and they prayed, to do what? to be exempt from certain penalties that all the rest of the community were subject to? No, but which actually deprived them of bread. But, so far from this being a case in point, the House refused to hear them.

Mr. Brougham said, the petitioners were heard, as would be found on reference to the journals.

Mr. Peel, having referred to the journals, said, that he admitted his mistake; but this had no reference whatever to the present question, for that was a measure to impose a great additional duty upon a certain class of persons, and in conformity with the usage of the House, the parties were heard. If the present prayer were complied with, it would be impossible hereafter to refuse when any measure was proposed for the tranquillity of the country. When it was proposed to suspend the habeas corpus act, a similar application might be made. The consequence would be, that instead of discharging their deliberative functions, the time of the House would be occupied in hearing the eloquent speeches of counsel. It was well known, that the paramount object with every counsel was, not any general interest, or any enlarged principles, but the interests and designs of his client. The propriety and absolute necessity of this practice had been very emphatically enforced by the learned gentleman himself, on the occasion of the proceedings against the late Queen. He would not stop to dispute such doctrine; but, if that principle were acted upon, what would be the situation of independent members of that House? They who were not accustomed to discussion would be overborne by the eloquence of counsel. As to the advantages that would result from such a practice, he might refer the House to what took place last year, on the occasion of the Marine Insurance Bill. He should not easily forget what he felt on entering the House and beholding six counsel, with large wigs, ranged at their bar. If he were to proceed by the rule of three, he should say, if the Marine Insurance Company required the attendance of so many counsel, how many would the Catholic Association require? However, on the occasion to which he referred, after four counsel had been heard, there were some very supplanting looks to the remaining two counsel; but those looks were all in vain: they said that their duty to their clients compelled them to offer their sentiments to the House; and in that several hours were occupied. But, although it had been the practice to hear counsel at the bar on private bills, if this practice were applied to public matters, what would be the consequence? He remembered having heard it urged in that House, that if the House received Mr. Stephen, as an advocate for the blacks in Antigua, some other counsel would present himself at their bar as the counsel for all England, and the privilege of discussing public proceedings would be entirely taken out of the hands of the members of that House. He remembered, when a certain bill was introduced relating to the slaves of an island in the West Indies, who were then perfectly satisfied, and in a state of subordination and quiet. The object of the bill was, to enable the owner of the slaves to remove them to another island, and a gentleman appeared on behalf of the blacks to argue against the measure; but it was determined that he had received no authority from the negroes to appear in their behalf. There was a danger of establishing a precedent against general principles; and if neither general principles nor the necessity and justice of the case obliged the House to receive the petition, it was incumbent upon them not to receive it; and if the cause of their rejection of it were explained to the Catholics of Ireland, they would, he was sure, be convinced of the justice and propriety of the determination. He for one would never entertain the bad opinion of the Roman Catholics which he heard perpetually insinuated in that House, namely, that although parliament might act upon the most sound principles, they would be dissatisfied, imitate the example of the united provinces of America, and separate themselves from England. He would enter into no such views, and could not believe that this could possibly be the case. The course the House was now pursuing was founded on good sense, was called for by the nature of the case, and arose out of a well-founded fear of establishing a most inconvenient precedent. The Catholics of Ireland would appreciate the motives of the House, and would willingly submit to the voice of reason; and, in saying this, he was only giving credit to their own assertions of their loyalty and disposition to obey the laws.—As to the next point, he could not conceive that there was any ground for receiving the petition, for the purpose of supplying defective evidence. Gentlemen on the other side of the House had asserted, that there never was an instance of a bill of this sort having passed without a committee of the House, or without some communication from the Crown. He begged leave to say, that no assertion could be more erroneous. The habeas corpus act had been suspended without any committee, or communication to the House from the Crown. The notoriety of the danger was thought to warrant the legislature in

acting without any committee, without any message from the Crown, and without the production of any papers. The Convention Act passed the Irish House of Commons without the appointment of any secret committee; and if Irish precedents were good on one side of the House, they were equally good on the other. True it was, that there was a committee sitting on the subject in the House of Lords; and that committee had come to a resolution, that a self-constituted body, interfering with the administration of justice, and receiving private subscriptions for the attainment of that and similar objects, was an evil not to be tolerated by government. There was then no tittle of evidence before the House; but parliament conceived the society to be a great evil, and upon the notoriety of that evil, and upon that alone did they found their resolutions and pass their bill. Parliament also enacted the bill of 1795, for suppressing seditious societies, without any secret committee, the production of any papers, or any direct communication whatever. The preamble of that act fully proved the fact, and the doctrine he was now holding. After all the condemnation of the proceedings of secret committees, and the declamation that had been sent forth upon the subject of Green Bag committees, now that government came forward manfully, and standing upon their own responsibility, without any select committee, without any secret committee, without partial or garbled extracts, they were assailed by the other side of the House for departing from precedents and general principles. He conceived that the only question was, whether the evil of this Catholic Association, and of other associations of the same nature, were notorious or not? [hear, hear!] He was not in the least affected by those cheers: if they meant any thing, he supposed them to allude to his support of the Orange societies, and to amount to a charge against him of inconsistency. But, he could truly say, that he disapproved of all secret associations, whether bound by oaths or signs. From his first connexion with Ireland, he had uniformly expressed his disapprobation of such societies. It was well known, that in 1822 he had consented to a measure intended to put an end to all such associations. When that bill passed through all its stages, as it related to only one class of his majesty's subjects, he had heard none of those objections which were now dwelt upon by gentlemen opposite. Political combinations were then held in great obloquy, and were suppressed with almost unanimous exclamation by Parliament. If the bill for their suppression were invaded by any artifice, or if its provisions were in any respect abused, he was perfectly ready to accede to any measure which should have for its object the putting of them down. But, in passing the bill for the suppression of Orange societies in 1822, the House acted entirely upon the notoriety of the existing evil, and did not proceed upon the report of a committee, or upon any papers laid before it. What would the gentlemen opposite have said upon that occasion if alderman King had applied to be heard at the bar of the House in favour of himself or of his Orange Association? Would not the hon. gentleman opposite have treated the proposal with the utmost contempt and indignation? And, where was their consistency in being now so vociferous in favour of the opposite Association being represented at their bar?—With respect to the present measure, he denied that it was a condemnatory bill. If it were a bill of pains and penalties, no person could doubt the right of the association affected by it to be heard at the bar by counsel. But such was not its character; and yet the learned gentleman had thought proper to give the bill the appellation of a condemnatory bill, in order to make out the title of the petitioners to the privilege for which they had applied. Again, with respect to Tithes; if, when the bill upon that subject was in progress through the House, the clergy had applied to be heard by counsel on the subject of tithes, as well as on the general affairs of the church, would their application have been acceded to? If it had, what delay must have resulted from the long speeches that might be expected from a subject so extensive? But, no one could think that the prayer of such a petition would be granted by the House. His hon. friend who spoke last had asked how could they have more satisfactory evidence on the subject of the Association than that of the petitioners themselves? But, he would ask, in return, had they not already the admissions of the Association? He should be able to show, taking the public acts and declarations of the Association, that the House had ample grounds for passing the bill, without hearing a single word more in evidence. He held a petition in his hand, dated the 17th of February, which had been presented yesterday. It was the last act of the Association. They had there

set forth, that "the Catholics of Ireland felt the necessity of bestirring themselves in their own affairs, and it was deemed right to enter into an association to promote the general interest of their body, and to bring under the frequent consideration of parliament the various and heavy grievances of which the Catholic people of Ireland complain." Was not that like an avowal of their representative power? To his mind it admitted of that interpretation. The petition concluded with a prayer, "that no measure should be adopted against the Catholic Association, or against any portion of the Catholic people of Ireland, without first affording to petitioners a full opportunity of vindicating their principles and conduct at the bar of the House, and to be heard, if necessary, as well by witness as by their counsel." That passage, he maintained, amounted to an admission of their representative capacity at once. He did not admit the distinction that had been taken as to direct and virtual representation, but claimed for parliament the right to pass what laws they pleased. In avowing their intention publicly of addressing and petitioning parliament for the redress of grievances, they afforded at least an admission of their existence as a body, and the House should never forget, that they were a body who had assembled twenty times since the month of October. They were also a body who appointed committees of finance, of grievances, and of education, and who required no other qualification in persons desirous of becoming members, than the payment of one guinea on their admission. If parliament consented to recognise them in such a character, they might depend upon it, that the interval would not be far distant between such recognition and their assumption of all the functions of parliament. They had also professed, in their petition, "to procure for the poor, the ignorant, and the defenceless, redress from the known tribunals of the law for outrages and injuries arising from party spirit." That assumption he also considered highly objectionable; for it was contrary to the spirit of justice, that the same body which exercised the other acknowledged functions, should institute prosecutions against individuals. The petitioners denied that they levied contributions on their fellow-citizens. It was true that they had no legal mode of enforcing subscriptions, but if they could not exercise a legal, they had exercised a moral compulsion. Was there no moral compulsion in the fear of being registered in their black book, as an hon. gentleman had called it? Would any man say that the threat of having one's name inscribed by the priest in a book, after divine service, on refusing to subscribe, left that person at liberty to choose whether he would subscribe or not? One word more with respect to that levy, which was by far the most important part of the question. Did that body admit, or did it not, that they received funds from the people? He held in his hand the report of a committee signed "D. O'Connell," which stated that, in order the more effectually to exert the energies of the Irish people, it was necessary that money should be collected. To that assertion he objected. The intentions of the Association might be innocent; but, to say the best of them, they were very equivocal; and some acts of the Association, even giving them full credit for motives, ought never to have taken place. He could perfectly understand why words spoken in the heat of debate by individuals who, in their cooler moments, might be willing to retract them, ought not to be charged upon the Catholic body; but, the frequent use of such expressions formed a strong objection to the existence of such meetings, and could not fail to be prejudicial to the cause of the Catholics themselves. There was one resolution passed by the Association, which he thought of considerable importance. By that resolution, Mr Hamilton Rowan was admitted as a member of the Association. He would ask, Was not such proceeding likely to excite suspicion, and exasperate animosities? The secretary of the Association had addressed a letter to Mr. Hamilton Rowan, apprizing him of the fact, and stating that the resolution had been passed with more enthusiasm than he had ever witnessed on any former occasion: that, on the mention of his honoured and beloved name, it was hailed with the applause which formed, at once, the testimony and the reward of a life that had been devoted to the service of his country. It was possible that the individuals who had voted such an address might not have been aware of all the circumstances connected with the life they had so described; but if a public body, collecting money to direct the energies of the Irish people, had been so unfortunate as to propose that address, and to exult at the mention of that "honoured and beloved name," on the very day on which they had adjured the Catholics by the hate they bore to Orangemen, was it

not a reason sufficient to excite suspicion in the most candid mind? With respect to the name and the political character of Mr. Rowan, he should say no more than what he found in the report of the secret committee of the Irish House of Lords in 1799. It appeared from their report, that an Irish clergyman of the name of Jackson, had proceeded from France to Ireland, for the purpose of conducting a treasonable conspiracy, with a view to the invasion of Ireland by France. That in 1794, he had commenced a correspondence, and held frequent interviews with Mr. Hamilton Rowan, as the leader of the United Irishmen, who shortly after was committed to prison, but had subsequently escaped, and was attainted of high treason. That he and Mr. Theobald Wolf Tone and Mr. Lewins, had frequent conferences, the former of whom was taken in a French vessel, called the *Hoche*, on the coast of Ireland; and the latter escaped to France, where he acted as envoy to the United Irishmen. After such a statement, would the Association maintain, that the resolution to which he had alluded, had no tendency to excite suspicion or alarm? Whatever they might think, or however they might reason, they might depend on it, that even if they had the power to bring the whole body of the Catholics to the bar of that House, the united testimony of six millions of men could not satisfy the Protestants of Ireland, or the people of this country, that there was no ground for suspicion or alarm in such a proceeding. That an Association professing to have £40,000 a-year, and six millions of people at their command, should hail the "beloved name" of an attainted traitor, and adjure the Catholics by the hate they bore to Orangemen, as their natural enemy, was a fact which he would say afforded ground for suspicion and alarm that could never be overstated. If they took credit for such an act, the voice that informed them of the danger of such a course, was a friendly voice; the man who cautioned them against the indiscreet course they were pursuing, by holding forth such a resolution as the act of the deliberative body, was a friend to the peace of Ireland. He would appeal to every man who pretended to the least regard for the pure administration of justice, to put themselves in the place of the individuals who might be prosecuted by the Association, and ask themselves whether, against such prosecution, they could think it safe to go to trial? The hon. and learned member for Knaresborough, might moralize upon the advantage of keeping up the civil war of the passions, but would he say that it would contribute to the pure administration of justice, to have that body conducting prosecutions, and prejudicing the minds of the people? A resolution of the Association stated, that the secretary had opened an account with every parish in Ireland, in order to collect subscriptions for the purposes alleged in their petition. Was not that a ground of suspicion and alarm? Could a body, consisting of 3,000 men, for whose character they had no better security than the fact of being able to pay one guinea for admission, proceed in the exercise of such functions, without awakening that sound constitutional jealousy with which it was their duty to view every political measure? After the proclamations that have been issued, the House was bound to regard them with tenfold jealousy. But, to return to their petition; it represented their body as consisting of "Catholic prelates, peers, and baronets—of many Protestants of noble families and great possessions—of many distinguished members of high and learned professions—of commercial men of great wealth and character—of country gentlemen, farmers, traders, and substantial citizens." That it consisted of many respectable persons, he did not mean to deny; but, the more important they were, the more did he object to their undertaking the conduct of prosecutions. If prelates and peers, and baronets were of their number—if even the venerated name of earl Fitzwilliam appeared amongst them, the more was it unfit that they should institute prosecutions, because the prejudice excited against the defendants was likely to be more strong. It was possible that they might be acquitted, even under such circumstances; but they had no right to send any man to take his trial with such a weight of prejudice operating to his disadvantage. He had grounded his opinions on extracts from public and official papers; and on these documents he meant to call on the House to support the bill without hearing any evidence against it. His sense of right and of justice dictated to him boldly and manfully to give his vote against the prayer of the petition.

On a division, the motion was negatived by 222 against 89; majority, 133.

FEBRUARY 22, 1825.

In the debate on the order of the day, for going into a Committee on the Unlawful Societies in Ireland Bill, Mr. Hume moved, "That it be an instruction to the Committee to receive a clause, providing that any person now holding, or who might hereafter hold, any office under the Crown in Ireland, should take an oath that he does not now belong, and that he will not hereafter belong, to any Association declared to be illegal by this Act."

MR. SECRETARY PEEL said, he thought that the hon. and learned gentleman (Mr. Denman) would do well in future to read bills before he discussed them. Surely it was not too much to ask of a learned judge, like the hon. and learned member, at least to hear the defence of a prisoner before he pronounced his condemnation. It seemed to be insinuated, that government were desirous of passing this bill without sufficiently discussing it. Now, after it had, during five nights, been largely discussed, and every hon. gentleman who had risen to oppose the bill, had been followed by some hon. member who was friendly to it, the course that had been pursued did not very much indicate a desire to evade discussion. The futility of the proposition of the hon. member for Aberdeen had been already so well exposed that it was unnecessary for him to offer any further observations on the subject. If the bill in question should be passed into a law, the laws that would affect societies in Ireland would be these—that there should be permitted in Ireland no societies bound together by secret and illegal oaths; that those who might thereafter enter into those mysterious engagements should become liable to certain punishments. To the penalties of this bill? No; but to transportation. Now, the hon. gentleman's proposition went to make a man swear, on entering office, that he did not belong to any secret society. Why, if he could not swear this, he would have already exposed himself to the penalty of the other law, making connexion with a secret society so punishable. Suppose, then, he should swear that he was not so connected; could any great reliance be placed upon that person's oath, seeing what must ensue if he declined to swear? If, belonging to a secret society, he should conceal that fact, he would commit perjury, and be liable to all the penalties of that heinous offence; but, if he should refuse to swear, and admit his connexion with any illegal association, then he would have offended against the law in question, and might be transported. But then it was said—suppose he should prove to belong to an Orange Lodge? Why, upon that point, he could find no difficulty in saying, that it would be the duty of government to remove from office any body who should be in such a situation. [cheers.] The proposition of the hon. member he opposed upon principle; because he opposed tests, generally, on principle; but he thought that the hon. gentleman must see that his own motion would not effect the object he had in view; and, therefore, he did hope, that he would not press the matter to a division.

Mr. Hume's motion was negatived without a division, and the House went into a committee.

FEBRUARY 25, 1825.

In the debate on the motion for the third reading of the Unlawful Societies in Ireland Bill,—

MR. SECRETARY PEEL assured the House, that he would detain them but for a very short period indeed, if they would bear with him for that time. He was anxious to set himself right in some points, wherein what he had stated on a former evening was more or less directly concerned. In the first place, he entirely acquitted the hon. gentleman who spoke last, (Mr. Hutchinson) of any intention to intimidate him personally on a former night; and when the hon. gentleman threatened to bring all the members, almost, on his side of the House to the block, he never supposed for a moment that the hon. gentleman meant any thing more than to speak of them in a general way, in their capacity of ministers. But, most undoubtedly, in whatever way the threat wore meant, it would never have the effect of making him swerve from that which he might conceive to be his line of public duty. It was impossible that he should disregard an appeal which had been made to him also, by the hon. member for Taunton; for he had the highest respect for that hon. gentleman, who had raised himself to high rank and influence, solely by his own great exertions, his talents, and his integrity. But the hon. member would pardon him

for saying, that as, in a very few days, the Catholic question must, in some shape or other, be forced upon the attention of parliament, he should decline for the present, being tempted into any discussion on that measure, on the army estimates, or on any other of the questions to which the hon. gentleman's speech had related.—Here the right hon. gentleman adverted to the consistency of his opposition to the Catholic claims; but, he had throughout acted upon his own impressions merely, and not in deference to public feelings, but to his own opinion. He had before opposed this question, and the most mature reflection and consideration had convinced him that he had acted right in so doing. A right hon. gentleman (Mr. Tierney) had talked much of the administration of the Marquis Wellesley, and had appealed to him (Mr. Peel), as to what he thought of the position of affairs, when, as the right hon. gentleman had described it, the vessel of state was upon the breakers. In answer to the right hon. gentleman, he wished to observe, that he had heard his statement with regret. The period to which he referred was 1821; true it was, that he was chief secretary in 1818, but he had been at the former period three years out of office. It was his wish to quit Ireland in 1817, but he had been prevailed upon to hold his appointment a year longer. When he did quit it, he had the satisfaction of knowing that Ireland was tranquil, and that there existed at that time no Catholic Association. At the same time he felt bound, in justice to others, to state, that no one individual could be responsible for the tranquillity of Ireland. The disturbances which took place in Ireland at that period were to be attributed to the revolution which was caused by a transition from war to peace. They all knew that the effects of that transition were deeply felt here; but they were felt in a tenfold greater degree in Ireland. It was not his wish to enter much further into the discussion at present, but he hoped the House would allow him to say a few words in his own vindication, in answer to what had been stated on a former evening by the learned member for Winchelsea. In doing this, he was anxious to avoid all cause of irritation. He wished to confine himself solely to establish facts, throwing overboard every matter which might be considered in the slightest possible degree questionable. He had stated on a former evening, that some of the acts of the Catholic Association were equivocal; and that one particular act rendered that body liable to a charge of indiscretion. The act which he alluded to, was the Address of that body to Mr. Hamilton Rowan; an address which was calculated to excite suspicion and alarm in the minds of the constituted authorities of that country. This was his impression when he made the observations which had been so ably commented on by the learned member for Winchelsea; and he begged to assure that learned gentleman, that he had heard his speech upon that occasion with no other feeling than that of admiration; and, if he had found his position untenable, he would have at once abandoned it. But, when he found that his post was tenable, he was sure the learned gentleman would be the first to agree with him in thinking that he ought not to make an inglorious surrender. He must re-assert, that the Catholic Association had, by their address to Mr. Hamilton Rowan, committed an equivocal act—an act which was calculated to create alarm and suspicion, both in the minds of the public and the government. He would at once give the strongest proof of this assertion, by reading to the House the letter addressed to Mr. Hamilton Rowan by the Secretary of the Catholic Association. The right hon. Secretary proceeded to read extracts from the letter: it stated, that the Catholic Association were unable to express their admiration of the honest and patriotic efforts of that gentleman; they designated him as a man who had devoted his life to the service of his country, and who now received his sweetest reward in the approbation of his countrymen. He said at the time, and he now repeated it, that this address brought Mr. Hamilton Rowan before the country, as a public character, and that he was, therefore, liable to observations upon his conduct and character. The learned member for Winchelsea had described Mr. Hamilton Rowan as a good father, a good landlord, and an amiable man in all the relations of private life. Did he deny this? He did not. He was as ready as any man to admit what the learned gentleman had stated as to the private qualities of Mr. Rowan; but, in speaking of him there, he spoke only of his public character; and he grounded his observations upon documents to which reference might be had at any moment. He had read the report of the secret committee in 1794, in which it was stated, that Mr. Hamilton Rowan was in communication and intercourse



with an emissary of France, and that he had subsequently been attainted of high treason. The learned gentleman appeared, however, to be of opinion, that that attainer would not have passed, had Mr. Rowan been heard against his accusers. He went further, and stated that Mr. Rowan had been received with courtesy by the Irish government, and more particularly by Lord Manners, whom the learned gentleman had been pleased to designate as the very pink of loyalty. It was true that Mr. Rowan had been so attainted without having been tried; but would the learned gentleman take the trouble of recollecting the trial of Mr. Jackson, and the facts which were established upon that occasion. Was Mr. Rowan never called upon to answer for his conduct? and had the House no documents to go upon with respect to his conduct? Had they not an account of his trial, and of his sentence of imprisonment for two years? Had they not an account of his escape from imprisonment, when he fled to France? Had they not also the address published by the Society of United Irishmen to the Volunteers of Ireland? Of that society, Mr. Drennan was chairman, and Mr. Hamilton Rowan was secretary. They must remember too, that this address was published at the period of the French Revolution, when the National Convention was sitting, and when disorder and disunion prevailed in that country. What was the language put forth by Mr. Hamilton Rowan, as secretary to the United Irishmen on that occasion? The address commenced as follows:—"Citizen Soldiers, you first took up arms to protect your country from foreign enemies, and from domestic disturbance; for the same purpose it now becomes necessary that you should resume them." The address went on to say, "Citizen Soldiers, to arms, take up the shield of freedom, and the pledges of peace—peace, the motive of your virtuous institution. War, an occasional duty, ought never to be made an occupation; every man should become a soldier in the defence of his rights: no man ought to continue a soldier for defending the rights of others; the sacrifice of life in the service of our country is a duty much too honourable to be intrusted to mercenaries; and at this time, when your country has, by public authority, been declared in danger, we conjure you, by your interest, your duty, and your glory, to stand to your arms, and in spite of a police, in spite of a fencible militia, in virtue of two proclamations, to maintain good order in your vicinage, and tranquillity in Ireland." The learned Judge, in passing sentence upon Mr. Rowan, made use of the following observation, which he begged to read to the House—"At this period, 1794, and it is upon the records of parliament, the great body of the Roman Catholics were seeking relief; they presented dutiful addresses, stating they were anxious to be liberated from restraints they laboured under: but you addressed them to take up arms, and by force to obtain their measures. They were palpably to be made a dupe to your designs, because you say you will proceed to the accomplishment of your beloved principles, Universal Emancipation and Representative Legislature. Seduction, calumny, and terror are the means by which you intend to effect them. The volunteers are become instruments in your hands, and despairing to seduce the army, you calumniate them with the opprobrious epithet of mercenaries. You say seduction made them soldiers, but nature made them men. You called upon the people to arm—all are summoned to arms, to introduce a wild system of anarchy, such as now involves France in the horrors of a civil war, and deluges the country with blood." The learned judge went on to state—"It is happy for you, and those who were to have been your instruments, that they did not obey you. It is happy for you that this insidious summons to arms was not observed; if it had been, and the people with force of arms had attempted to make alterations in the constitution of this country, every man concerned would have been guilty of high treason [hear, hear!]."—Having given the learned member full credit for all he had said of the private character of Mr. Rowan, he must again repeat, that in speaking of that gentleman, he only spoke of him in his public capacity, and he could not help adding, that the address of the Catholic Association to him was calculated to excite suspicion and alarm. The learned gentleman had stated, that Mr. Rowan had been received in public and private society in the warmest and most cordial manner. He did not mean to contradict this, but he would refer the House to Mr. Hamilton Rowan's own statement, after having received his free pardon, in the course of which he mentions that, during his absence, his wife and children had been most kindly attended to by my lord Clare, who had been described by the learned gentleman as one of his greatest enemies. But,

perhaps it would be best to quote the words of Mr. Rowan himself, when he pleaded his pardon before the Court. He said—"When last I had the honour of appearing before this tribunal, I told your lordships I knew his majesty only by his wielding the force of the country; since that period, during my legal incapacity and absence beyond seas, my wife and children have not only been unmolested, but protected; and, in addition to those favours, I am now indebted to the royal mercy for my life. I will neither, my lords, insist upon the rectitude of my intentions, nor the extent of my gratitude, lest my conduct should be attributed to base and unworthy motives; but I hope my future life will evince the sincerity of those feelings with which I am impressed by such unmerited proofs of his majesty's beneficence." It had been charged against him (Mr. Peel), that he had unfairly suppressed the fact of Mr. Rowan's having been received into public and private society: and the hon. and learned member said, "You, Sir, a member of the Irish government, you, a gentleman residing in Ireland, ought to have known the situation in which Mr. Rowan moved in that country; and," continued the learned gentleman, "you ought, as a member of that government, to know that Mr. Rowan had been a magistrate upon his return—you ought to know that he had been received at the Castle, as well by the prejudiced as the liberal Lords-lieutenant in Ireland. He had been received both by my Lord Manners and Mr. Saurin; and they having found no fault, how dare you make an appeal against the beloved name of an individual whom the government of Ireland have placed in the respectable and important situation of a magistrate of the country?" [hear, hear!] The learned gentleman made this statement with a confidence which was most imposing; at the same time, he (Mr. Peel) was fully convinced, that any error on the part of that learned gentleman, was quite unintentional. For himself, he gave such credence to the statement of the learned gentleman, that he was fully convinced Mr. Rowan was in the commission of the peace. So strongly, indeed, had he been impressed with the idea from the statement made, that he could not venture upon his own authority to contradict it. He therefore applied to the Hanaper Office in Ireland, and the answer was, that after the most minute search, it was found that no such person as Mr. Hamilton Rowan had been admitted to the commission of the peace for any county in Ireland for the last twenty years [loud cheers from the Ministerial benches]. He begged to assure the House, that in making this statement, he entertained no angry feeling towards the learned gentleman; but he would appeal not only to the House, but to the learned gentleman himself, whether he had not by this simple statement, dashed from his hand that poisoned chalice which the learned member had commended to his lips.

On a division, the motion was carried by 226 against 96; majority 130; and the Bill was read a third time, and passed.

## ROMAN CATHOLIC CLAIMS.

MARCH 1, 1825.

Sir Francis Burdett, at the close of a long speech, moved,—

"That this House do resolve itself into a Committee of the whole House, to consider the State of the Laws by which Oaths and Declarations are required to be taken, or made, as qualifications to the enjoyment of offices, or for the exercise of civil functions, so far as the same affect his majesty's Roman Catholic subjects; and whether it would be expedient, in any and what manner, to alter or modify the same, and subject to what provisions or regulations."

Mr. Croker having seconded the motion, a long debate ensued, in the course of which,—

MR. SECRETARY PEEL said:—Notwithstanding, Sir, the length of time occupied by my right hon. and learned friend, I feel such confidence in the indulgence of the House, or rather in its justice, that I have no doubt it will allow me to state, as briefly as I can, the grounds upon which I dissent from the proposition of the hon. baronet, and the reasons why, after all the arguments I have heard, I do not find them sufficient to induce me to deviate from the course I have hitherto uniformly pursued upon this question. I will attempt to follow, as closely as I can, the different branches

of the very able, and not less effective, because temperate and conciliatory, speech of the hon. baronet. I think that he introduced this question for discussion on its true grounds, and I will apply myself to answer the questions put by him to the opponents of further concession. I apprehend that I state his case with perfect fairness, when I say that he rested his proposition upon three grounds; first, positive treaty; second, natural right; and, third, prudence and policy. All the arguments he employed may be included under those heads, and in that order I propose to consider them. If, in the first place, the hon. baronet could prove to me that there really existed a claim on the part of the Roman Catholics, established upon a solemn treaty between them and the Crown, I should be disposed to treat it with the utmost deference. The hon. baronet, and I believe the petition which he presented, demand the fulfilment of a treaty. I have, Sir, on previous occasions, considered the effect of the treaty to which they allude, and I am again prepared to deny, that the Roman Catholics can claim any privilege on the foundation of the treaty of Limerick. It is, no doubt, important for the House to consider whether, in withholding what is now required at its hands, it is violating the terms of a solemn treaty; and I beg to ask the hon. baronet, whether he has referred to the articles of that treaty, and whether he really thinks, not that it has been infringed at any former period of our history, but whether any privilege is refused in defiance of it? I will not now enter into the question whether the Act passed early in the reign of Queen Anne were an infringement of the treaty of Limerick. I admit very fairly, that the statute "for the prevention of the growth of Popery," was an abominable measure. Perhaps this is an unpleasant point of discussion; and as the hon. baronet very wisely abstained from entering upon it, I will follow his example; merely observing, that before we condemn the laws of the land, we are bound to consider the circumstances out of which they arose; and from those circumstances it appears, that it was an act of retaliation against the Catholics, for what they had done while in possession of political power. The hon. baronet will find, that by the first article of the treaty of Limerick, the Roman Catholics were entitled to be exempted from all molestation on account of their religious tenets: by other articles certain persons might claim the privileges of personal property, on taking no other oath but that of allegiance. Now, the hon. baronet extends this right to a claim, that the Roman Catholics shall be entitled to the enjoyment of civil office on taking the oath of allegiance only. That, Sir, I beg leave to deny; and I am content to rest my denial upon the speech of Sir T. Butler, who was employed by the Roman Catholics to speak at the bar of the House of Lords against the passing of the bill against the growth of Popery. Sir T. Butler says, "the 10th, 11th, 12th, 13th, and 14th clauses of this bill relate to offices and employments, which the Papists of Ireland cannot hope for the enjoyment of, otherwise than by grace and favour extraordinary; and therefore do not so much affect them, as it does the Protestant Dissenters who, if this bill pass into a law, are equally with the Papists deprived of bearing any office civil or military, under the government to which, by right of birth, and the laws of the land, they are as indisputably entitled as any other their Protestant brethren; and if what the Irish did in the late disorders of this kingdom made them rebels (which the presence of a king they had before been obliged to own, and swear obedience to, gave them a reasonable colour of concluding it did not), yet surely the Dissenters did not do anything to make them so, or to deserve worse at the hands of the government than other Protestants; but, on the contrary, it is more than probable, that if they (I mean the Dissenters) had not put a stop to the career of the Irish army at Enniskillen and Londonderry, the settlement of the government, both in England and Scotland, might not have proved so easy as it thereby did; for if that army had got to Scotland (as there was nothing at that time to have hindered them, but the bravery of those people, who were mostly Dissenters, and chargeable with no other crimes since; unless their close adhering to, and easily appearing for the then government, and the many faithful services they did their country, were crimes), I say if they had got to Scotland, when they had boats, barks, and all things else ready for their transportation, and a great many friends there in arms, waiting only their coming to join them, it is easy to think what the consequence would have been to both these kingdoms; and these Dissenters then were thought fit for command, both civil and military, and were no less instrumental in contributing to the reducing the

kingdom, than any other Protestants: and to pass a bill now, to deprive them of their birth-rights, (for those their good services,) would surely be a most unkind return, and the worst reward ever granted to a people so deserving. Whatever the Papists may be supposed to have deserved, the Dissenters certainly stand as clean in the face of the present government, as any other people whatsoever: and if this is all the return they are like to get, it will be but a slender encouragement, if ever occasion should require for others to pursue their example." Sir T. Butler thus abandons all claims to civil office. Yet he was Solicitor-general to James 2nd—was employed in drawing up the treaty of Limerick, and was engaged by the Roman Catholics against the bill in the reign of Queen Anne. I therefore think that we are quite at liberty to discuss this question, without having to combat any argument founded upon a supposed breach of the faith of treaties.

Next, the hon. baronet and my right hon. and learned friend rest this claim upon the ground of natural right. And here, again, I directly join issue with them both. Indeed, this is one of the material points on which I have the misfortune to differ from some of the friends with whom I am in the habit of acting. It involves a great constitutional question; and my right hon. and learned friend goes even so far as to argue, that we have no more right to exclude Roman Catholics from civil office than we have to divest them of their property. He places the spoliation of property, and the exclusion from civil office, on precisely the same footing; but he admits that both may be sacrificed to considerations of paramount necessity; but then that necessity must be clearly established. I cannot allow that the subjects of this country have any such claim as an abstract right, and I do not believe that the doctrine was avowed or maintained until comparatively recent times; I mean, until the year 1790. Let us look for a moment at the great periods in the history of the constitution. Previously to the Reformation there was unanimity in religious opinion: there was no dissent, and consequently no motive to exclude, and no reason for guards or checks; for it is to be observed, that these regulations now complained of are not so much checks on the privileges of the subject, as guards that have been introduced from a reasonable jealousy. Now, what has been the practice of the constitution since the Reformation, when religious dissent first became important? I say that the last three hundred years have afforded a practical contradiction of the doctrine laid down by the supporters of the claims of the Roman Catholics. At the time of the Reformation, the oath of supremacy was administered; and from the reign of Elizabeth up to the present moment, that oath has been enforced, and has operated to the exclusion of Roman Catholics from office and from seats in this House. My right hon. friend the Secretary of State for Foreign Affairs, says, that the law of exclusion had its origin only about a hundred and fifty years ago: but I deny the position; it had its origin with the first rise of dissent in matters of religion. What, let me inquire, has been the doctrine maintained by the most celebrated public men on the subject of exclusion from civil offices? I have had occasion before to refer to opinions entitled to the highest respect, especially from those hon. members to whom I am particularly addressing myself. A conference was held respecting the bill for Occasional Conformity, and the lords who conducted it had objected to a measure which subjected to the penalty of perpetual forfeiture of office those who were guilty of the crime of occasional conformity. At the conference they stated this important doctrine: "The Lords look on the fixing of the qualifications for places of trust to be a thing so entirely lodged within the legislature, that, without giving any reason for it, upon any apprehension of danger, however remote, every government may put such rules, restraints, or conditions, on all who serve in any place of trust, as they shall see cause for; but penalties and punishments are of another nature." Now, can any thing be more clearly laid down than the distinction here taken between exclusion and penalty? And who were the lords that presided at the conference?—the Duke of Devonshire, the Earl of Peterborough, Bishop Burnett, Lord Halifax, and lastly, Lord Somers himself [hear, hear!]. Next, let me ask my right hon. and learned friend what he says to that article in the Scotch Act of Union, which permanently excludes Roman Catholics from certain offices? If there be this natural right, and if that natural right be correspondent with the right of property, is it possible to suppose that the great men who adjusted the articles of the Scotch Union would have allowed this permanent exclusion of the Roman Catholics? And yet,

without any of those immediate dangers from the power and tenets of the Roman Catholic Church, about which my right hon. and learned friend has spoken as the only causes that could justify such a measure now, the law of exclusion was introduced into that Act of Union. But he (Mr. Peel) much wished that the House would look at the debates of parliament in a more recent period of our history.

But, coming to periods nearer our own times, when the dangers from Popery may be supposed to have had less influence, I would call the attention of the House to the debates which took place in 1771 and 1774, on the subject of the Quebec Act: let us look at the doctrine maintained by Lord Chatham and Lord Camden regarding the oath of supremacy. Both these distinguished men asserted, that the oath of supremacy was as sacred and as obligatory as Magna Charta itself, or any of the most sacred Acts made at any period of our history. Now, Sir, can these opinions be reconciled with the claim of natural right? I very freely admit, that, at the conference to which I have referred, the peers who managed it, allowed, that exclusion from office by law was a punishment of the severest kind. But, at a still more recent period of our history, in 1790, when the repeal of the Test-laws was under consideration, did Mr. Pitt admit the doctrine now contended for? Certainly not. Mr. Burke's dissent at that time was on the score of danger from the Unitarians; but Mr. Pitt, a warm supporter of the Roman Catholics, directly contradicted the position of the hon. baronet, and my right hon. friend. It should be recollected, that the Test-laws, then under discussion, were enacted with a view to the defence and preservation of the constitution; and Mr. Pitt told the House, that "he hesitated not to say, that if distrust were entertained of any one of the three branches of the constitution, it ought to be directed against the executive power. The persons excluded by the Test-laws, laboured under no kind of stigma; but it was the policy of private life not to allow any man to manage your affairs, whose principles you did not like; but the exclusion of dissenters could be looked upon as no punishment." I go further, and I maintain that if the doctrine be correct, the exclusion from parliament, and the refusal of the elective franchise, cannot be justified. It seems to me, that the power of sitting here, or voting for members, is just as much a natural right as that for which my right hon. friend contends. Practically we know that, by an arbitrary distinction, persons who have not £300 a-year are not allowed to represent their fellow-subjects, and that a qualification of an inferior kind is also required from the electors. If the doctrine of natural right be correct, why are not individuals with £200 a-year allowed to sit in the House of Commons, or why have not all the inhabitants of the kingdom a right to send them to it? The fact is, the right, such as it is, is sacrificed to state considerations. I know that the ground of the exclusion in the case of the Roman Catholics is different, and I do not say that it is more mortifying because it is a personal exclusion; but I say, that the violation of right is the same.

Thus, I think, I have shown why, on the grounds of authority and analogy, I differ from my right hon. and learned friend. If I could see any violation of natural right, and that any needless stigma was inflicted by the exclusion, I should be compelled to admit, that it was a grievance of a much more onerous nature. But I contend, that the state has a right to exclude on any apprehension of danger, and that not imminent or immediate, the *onus probandi* of which my right hon. friend would unfairly cast upon the opponents of the claims. My right hon. friend says, he would not convert the philosophy of history into a miserable almanack, or represent experience as a swindler, passing base money upon mankind. I agree with him; and I would look back to history for the instructive lesson it affords, and I would consult experience upon the abuses of power in all ages. If we were to follow the advice of the hon. baronet, we should neither take a retrospect of the past, nor a prospect of the future. He would neither be guided by events that have already occurred, nor look to the remoter consequences of granting what is required. This is certainly a very convenient way of arguing the question; but, for one, I beg to protest against the conclusiveness of any such arguments. I think that we are bound to consider what further measures may grow out of that which is now proposed. I ask, where is the overruling necessity for admitting these claims? For though Mr. Burke observes, that "it is a question of moral and virtuous discretion, whether, possessing a right, you will exercise it," I contend that we possess the right, that we ought to possess it, and that a sound discretion requires that we should exercise it.

With regard to the grounds on which I oppose myself to the demand now made, I have heard several imputed, upon which I do not mean at all to rely. First, I do not consider that we are obliged to take into view laws passed at an earlier period of our history, unless they are solemn, national compacts—the foundation and settlement of important systems of government; but I cannot but bear in mind, that laws were passed three hundred, and one hundred and fifty years ago, guarding against what were then looked upon as dangers. I am bound, on the other hand, to admit, that the time is come when we ought to consider whether there exists a necessity for maintaining them. I allow that exclusion from office is of itself an evil; I regret it, and I can only justify it as a defence against a greater evil; but, Sir, upon these grounds, I am against the motion of the hon. baronet.

The real question for the House now to determine is, whether there are sufficient reasons for detaining in their present force the existing laws against the Roman Catholics? And, having stated to the House why I cannot admit the hon. baronet's proposition, either on the ground of the treaty of Limerick, or of the abstract right, I come now to the considerations of prudence and policy by which I have been led to a similar conclusion. The hon. baronet tells us, that he has never heard what the danger is; and he calls upon the opponents of his motion to point it out. Before I answer this call, I wish to inquire of the hon. baronet what is the object of his present proposition? I presume that the object is, to communicate power to those who are at present excluded from it—to devolve upon them a fair share in the framing, administering, and executing of the laws. Does the hon. baronet mean to give a mere barren capacity, never hereafter to be available? He can only claim upon this ground: as there is no danger, so there ought to be no disability, no distinction between the privileges of any of the subjects of the realm, but all ought to be equally eligible. If the two Houses of Parliament mean to pass a measure of this kind, surely there can be nothing more unfair than to throw the odium of refusal of office elsewhere, and to create an unjust impression against the highest personage in the realm. Parliament ought not to give the claimants a ticket of admission, and when it is presented at the door of the constitution, trust to the Crown to shut that door in the face of the party claiming a right to be allowed to enter. I come then to what, in fact, is the main point, and which has reference to the circumstances of Ireland; and I ask first, whether the powers sought can safely be granted; and whether, if granted, it will conduce to tranquillity? I must own, that if I were perfectly satisfied that concession would lead to the restoration of peace and harmony; if I thought it would put an end to animosities, the existence of which all lament, I, for one, would not oppose the measure on a mere theory of the constitution, when consent would secure such immense practical advantages. But, because I doubt whether the removal of disabilities on the conditions proposed, will promote tranquillity in Ireland, or lessen religious animosities; and because I think you cannot safely remove the disabilities, I am disposed to continue the exclusion. Now, let me ask, are these civil disabilities the cause of the disorders which had so long prevailed in Ireland? If you trace back these disorders as far as actual commotion is concerned, you will find that they have no such origin. How happens it otherwise, that, in the province of Ulster, where the numbers of Catholics and Protestants are nearly balanced, the Insurrection Act has not been in a single instance enforced? How happens it otherwise, that the partial removal of disabilities has not been attended with any beneficial effect? In 1792, the Roman Catholics came forward, and asked to be rendered capable of holding the office of magistrates, and of enjoying the elective franchise. They wanted, they said, nothing more, and those persons grossly maligned them, who said that their wishes went further. The elective franchise was conceded even more fully than they requested it; and Roman Catholics were permitted to serve as well on grand as on petty juries. Since these concessions, has there been any diminution of party feeling and factious animosities? Do the Protestants and Catholics live upon better terms than before? I think not. But the answer of the supporters of this proposition will be, "While you retain anything, while you refuse to put both parties upon an entire equality—the evil will continue; but, as soon as they are equal, it will cease. Admitting this, for the sake of argument, for a moment, will the concession now claimed put them on an entire equality? What is claimed is a mere capacity or eligibility to office; and after you have granted that, will you be able to concede

what the Roman Catholics would consider a just distribution of office? Would not the distinction thus necessarily drawn, be infinitely more galling and mortifying, since it would be reduced to a mere personal exclusion? When vacancies occurred, if a Protestant were preferred to a Catholic, would it not constantly expose the government to jealousy and reproach? Without reviving painful recollections of past rebellions, let us consider, after the removal of the disabilities, the very anomalous situation of Ireland. It appears to me, that those persons always act unfairly, who connect these disabilities with the penal laws against the Catholics. No man holds in greater detestation than I do those penal laws; I do not mean to inquire whether they were necessary by way of retaliation; but, as I before stated, I draw a clear distinction between disability and punishment. But, look at the anomalous state of Ireland in respect to property. The respective numbers of the Catholics and the Protestants may be 4,200,000 to 1,800,000; but I do not overstate it when I say, that, notwithstanding this disproportion, the property in the hands of the Protestants is as twenty to one. Some have asserted, that it is fifty to one; but I do not think it any thing near to that amount. After equal capacity of office shall have been given to all, the religion of the great minority is to remain the religion of the state. I am told, that it is perfectly safe in Ireland to admit the professors of all religions to the enjoyment of the same privileges; and after this has been accomplished, the Protestant church is still to be retained. I know several hon. members, and among them the member for Montrose, (Mr. Hume,) who contend that it is impossible. On this point he agrees with me; for, over and over again, he has argued, that it is a mere mockery to suppose that the Roman Catholics will be satisfied with a Protestant church establishment. They will constantly endeavour to recover the power they have lost, by overturning a system which they view with other eyes than ours. It is not necessary for me to say, that I would disbelieve a Roman Catholic on his oath—God forbid; I do not say so; on the contrary, I will put him on the same footing with the Protestant, and admit, that, in all the relations of private life, he is as valuable a member of society. But, supposing him true to his own principles, and to possess the ordinary feelings of man, he cannot look with a friendly eye upon those events which we are accustomed to reverence, and upon that system of religion which has grown out of them. Can he regard the Reformation, for instance, with the feelings of a Protestant? My right hon. and learned friend says, "You find that, at the Revolution, the danger to be apprehended was from a Roman Catholic king. What did you do then? Why, you passed a law, that the king of England should act in conformity with the law of England." But, there was a danger of another kind in the reign of Charles the 2nd. Charles the 2nd was in outward appearance a Protestant; and it was not until his death that it was discovered what Charles the 2nd was. My right hon. friend says, if the evils that threatened us in the reign of Charles 2nd are at an end, why not remove your restrictions in this case? Now, what would the bill proposed to be brought in, do? The Catholic is to be admitted without restriction into parliament, and into office, provided the king approves of him. He is to be as perfectly free as we are ourselves, unfettered by any restrictions; and at liberty to pursue what he conceives to be the interests of his country, and the justice of his cause, with perfect freedom. You tell us, that these laws have the effect to extinguish the fervour of hearts that may be "pregnant with celestial fire," almost celestial, and to paralyze the hands that might have swayed "the rod of empire." When this man comes to be the leader of a party, has he not a right to maintain the religion to which he belongs? I speak not of the demagogue, whom, my right hon. friend says, he should like to see in this House, as he would soon find his level; but I take the case of a man sincerely attached to his religion. We are told in this very petition, that the professors of the Roman Catholic faith in England and Ireland exceed, in numbers, the members of the established church. Be it so. This individual, then, comes into this House sincerely attached to the religion in which he has been educated, and which is a sufficient reason for his adhering to it—he has all the influence which his personal character gives him: he is placed at the head of a party. Is the Crown to say, "Although you are a man of powerful abilities, yet I must shut you out?" After you have incapacitated him to become Secretary of State, or first Lord of the Treasury, is the Crown to turn round and say, "I cannot admit you?" Is that the way to conciliate such a man as this? But, suppose, Sir, the Crown employs him in its service—in what a situation do you

place him? Can he exercise a sound discretion, in regard to those measures which relate to the safety of the church of England? It appears to me, he cannot give a safe judgment; and therefore I am for excluding him; and not trusting to the Crown to refuse the ticket of admission you have given him.

Then, Sir, am I to be told, that I am insulting the professors of this faith, if I admit that I view the tenets of such a religion with distrust? I have a right to look to the influence which it possesses over the minds of men; and I do say, I view with the greatest jealousy the re-admission of the Roman Catholics to office. It is most extraordinary that we should be taunted in this way now, seeing that, up to this hour of the debate, we have not heard one single word on the subject of those securities which used to form so considerable a part of the Catholic professions. Are they content, I ask, to give us those securities which are taken by every other state in Europe? I believe there is not a state that admits their professors, that does not keep a direct control over their appointment. It is supposed that, after you have decided in favour of the prayer of this petition, if you should do so, that there will be an end of all religious animosity; and my right hon. friend asks, "are you afraid of the Pope in these days?" I am not afraid of the Pope, nor of the Pretender; but, I am afraid of a powerful internal party in this country, of whom great numbers are dissatisfied, as they must be, with our principles of religion; and I can never think they can be fit to enact laws respecting the established religion. When I hear that the nature of the Roman Catholic religion is changed, I must say, after a pretty accurate review of what has been passing in Ireland—and I say it in no unfriendly spirit—that that church would have consulted its own dignity much better, if it had avoided several publications that have lately appeared. In proof of the little alteration which the spirit of the Roman Catholic religion appears to have experienced from time to time, notwithstanding all the asserted illumination of the nineteenth century, I will read a passage from a little work published by one Coyle, relative to the miracles performed by Prince Hohenlohe; and I contend, that, so far from the change which gentlemen speak of, having taken place, I believe the laugh with which they greeted the mention of the name of Prince Hohenlohe, would have offended no set of persons so grievously as the Roman Catholic priesthood of Ireland. Amongst the number of cures performed by his highness in the city of Wurtzburgh, was that of the Princess Matilda Von Schwartzburgh. She had been lame from her eighth to her seventeenth year, and had vainly expended on medical aid 80,000 florins—but was cured by the prince's intercession. The Wurtzburgh doctors, who got the 80,000 florins, must have had a very fine time of it: the name of Prince Hohenlohe cannot be very popular among them at any rate. But at Bamberg the prince's success was yet more miraculous. Two sisters, who had been confined with lameness for ten years, were cured. Councillor Jacob, a councillor of state, who had not stirred out of his chamber for some years, suddenly accompanied his doctor from the third storey to the street door. A beneficed clergyman was cured of the gout while passing through the streets of Bamberg, without ever getting out of his carriage; and, besides these, an upholsterer, a saddler, and a stonemason, had all been operated upon by similar miracles. The saddler could now look after his workmen, without stick or crutch [a laugh]. Honourable gentlemen may laugh, if they please, at so much credulity; but they should know, that in no part of the world are the wonder-workings of Prince Hohenlohe talked of with more profound respect and faith than in Ireland [hear, hear].—I will next read an extract from a book signed J. K. L., said to be written by Dr. Doyle, being a communication to the whole Roman Catholic communion of Ireland, of the rescript of Leo XII., the present pope, addressed to the bishops, &c., complaining of the mischief effected by Bible Societies; and containing this passage, "The power of temporal princes will, we trust in the Lord, come to your assistance, whose interests, as experience shows, are always concerned when yours are in danger; for it never hath happened that the things which are Cæsar's are given unto Cæsar, if the things which are God's be not given unto God." Now, a letter of this kind, talking of the temporal power of other princes coming in to suppress Bible Associations, appears to me to hold out a doctrine as monstrous as can well be maintained. If there were any thing wanting, which would call upon me to express my decided opposition to the claims of the Catholics, it would be the admission of letters of this sort, published by the authority of the Roman Catholics



in Ireland, containing passages of this description. My belief is, that, after they obtained those privileges which they seek, they would not cease in their endeavours, but would still struggle for the pre-eminence of their religion. That is not my opinion only. The same Dr. Doyle says, "Catholic emancipation will not remedy the evils of the tithe-system; it will not allay the fervour of religious zeal." Indeed, how can the removal of civil disabilities extinguish the fervour of religious zeal? The bishop goes on to say, "the perpetual clashing of two churches, the one elevating, the other falling, both high-minded, will not check the rancorous animosities with which different sects assail each other; it will not remove the suspicion of partiality in the government; it will not create sympathy between the different orders of the state, which is mainly dependent on religion, nor produce unlimited confidence between man and man. Emancipation would only lead a passage to ulterior measures." What are the "ulterior measures" to which Dr. Doyle alludes? I do not pretend to know their object; but such language satisfies me, that if the disabilities were removed, the Catholics would not be satisfied—

"Still to new heights their restless wishes soar;  
Claim leads to claim, as power advances more."

The right hon. gentleman then expressed his regret at differing from his right hon. and other friends, with whom he was accustomed to act; and at the same time his anxiety that penal laws should be abolished, together with offensive processions, and all other local causes of discontent and heart-burning. He did not deny that great evil might have been done by the policy which had been formerly pursued towards Ireland; but that was no reason why the measure which was now urged should be adopted. It was no reason why he should change the opinions he had formed upon a serious and firm conviction. It was the duty of public men to act on their own impressions, and not to defer to authority, however high it might be, while they were unconvinced by argument. He was not convinced by the arguments he had heard; and he should therefore not defer to the authority by which they were enforced. Without dwelling on the objections as to the time at which this motion was proposed, or its present expediency, he openly announced his objection to its principle. He should, therefore, pursue the course which hitherto he had uniformly persisted in, and give his decided opposition to the measure.

On a division, the motion was carried by 247 against 234; majority 13.

### ORANGE LODGES IN IRELAND.

MARCH 3, 1825.

On the presentation of a petition, by Mr. Brownlow, from certain Protestants in Ireland, praying for inquiry into the institution, objects, signs, oaths, and pass-words of these societies,—

MR. SECRETARY PEEL said, he felt the utmost satisfaction at the intimation, that there was to be a complete end to Orange Societies in Ireland. He most cordially joined in the exhortation that these associations should yield to the repeated sense of parliament, and obey what would soon, in all probability, become the law of the land. The petitioners referred to the testimony he had borne to their loyalty, in 1814. He was willing to bear the same testimony now. Indeed, no complimentary expressions he could use, would be stronger than those employed by the hon. baronet, the member for Westminster, in the late discussions on the Catholic claims. But no loyalty, on the part of the members of the lodges, could compensate for the evil of their existence. With regard to certain members of the Orange Associations, he was able to assert, that, although in public employments they had continued to belong to them, for the sake of exercising a beneficial influence over the rest of the members, they had resolved at once to dissolve all connexion.

## GAME LAWS BILL.

MARCH 7, 1825.

Mr. Stuart Wortley having moved the second reading of this bill, Sir J. Brydges moved, as an amendment, "that the Bill be read a second time this day six months."

MR. SECRETARY PEEL said, it was his intention to vote for the proposition of his hon. friend, the member for Yorkshire. When he looked to the antiquity of the game laws, and considered the great changes which had taken place with reference to that species of property, he could not but entertain a strong suspicion, that those laws required alteration. He conceived that there was no one circumstance which tended to call for that alteration so strongly, as the conduct of the game-preservers themselves. The mode of sporting, and the way in which game was preserved, were entirely changed within the last thirty or forty years. Almost every plantation in the country was converted into a preserve for game. Gentlemen were not now contented with sporting in the manner in which their ancestors sported. It was now a common occurrence for a single party to kill three or four hundred head of game a-day. He had himself seen in a single larder a thousand pheasants, which were the produce of only three days' shooting. What was the consequence of this change which had taken place in this mode of sporting? The increase of preserves, and the immense accumulation of game, had produced a corresponding change in the habits of the people. Almost every body of a certain rank in life now partook of game. In fact, it was considered a very unfashionable thing not to have a certain quantity of game at one's table. It was true, there was no legal vent for this enormous accumulation of game; but game, nevertheless, found its way among every class of society in the kingdom, which had any pretensions to elegance or conviviality. You might restrain the sale of game by legal enactments as much as you pleased, but it was idle to talk of preventing people from having game at their tables. Legally or illegally, people who could afford to buy game, would have it. It was impossible to deprive the 3 per cent consols of the luxury of eating pheasants. The interest of the game-preservers themselves called imperatively for some attempt to ameliorate the present system. It was not necessary at present to enter into the details of this bill; but he thought his hon. friend had stated quite sufficient grounds for its being read a second time. Whether it would be expedient to make game property or not, was a question which would be better discussed on a future occasion; but he thought no reasonable objection could be made to the proposition for giving to every individual the right of sporting on his own land, and of allowing others to do so, and afterwards of selling the game, if he thought fit. He would put it to hon. gentlemen, whether it were just, that any individual should have the right of preserving game, when, by so doing, the crop of his unqualified neighbour might be destroyed? He was persuaded that the effect of the proposed alteration would be, in ninety-nine cases out of a hundred, to lead to a just compromise between the rich proprietor and his poor neighbour. The owner of two or three acres would gladly forego the right of sporting on his land, if his rich neighbour would give him a reasonable consideration for the waiver of his privilege. The way in which game was preserved furnished another, and a very good reason, for altering the existing system. Game was preserved in this country by an armed force, for it was, strictly, an armed force. He himself preserved his game in what was considered the mildest manner. And what was that manner? Why, he kept five or six keepers, with twenty or thirty attendants, who were subject to be called out, in case of any attack on the keepers, and, if necessary, to repel force by force. This was surely a most unsatisfactory mode of preserving any species of property; and necessarily introduced a great deal of ill blood between the game-preserver and the inhabitants of the district in which he resided.—Another mode of preserving game was by setting spring guns. This showed, that, under the existing law, there was no safe or satisfactory mode of preserving a species of property, which could be maintained only by armed force, or by weapons, which might destroy the life of a human being; which life we had no right to take away. Looking, therefore, to the immense changes which had taken place in society, and especially with respect to this peculiar species of property, he thought it impossible for any man to contend, that the

present system of the game laws was a satisfactory one; or that there did not exist the strongest reason for allowing this bill to be read a second time. There could be no doubt also, that an alteration was required in the law of qualifications. Under the existing system, the second and third son of a qualified person might be violating the game laws at the very moment that he was enforcing them against others. But, even supposing the law of qualifications were so altered as to entitle gentlemen of the learned and liberal professions to kill game, it would be necessary to make an alteration in the landed qualifications for killing game. The law, with respect to qualifications, had been placed on a rational footing in Scotland; and in no country had game increased so much as in the lowlands of Scotland. There, every individual possessing a ploughgate of land, or about thirty or forty acres, was allowed to kill game on his own property, and to qualify other persons to kill game on his own property.—He, however, would not disguise his opinion, that the provisions of the bill proposed by his hon. friend would not answer all the expectations of those who supported it. He did not think that any alteration which could be made in the game laws, would entirely put a stop to poaching. The poacher was actuated by two motives—the love of sporting, and the love of gain. The first of these motives would remain untouched, whatever law might be enacted; but the love of gain must be naturally interfered with by a bill which should legalize the sale of game, and enable a gentleman possessing a thousand pheasants, as in the case he had alluded to, to compete with the poacher in the market. The present state of the law offered strong and irresistible temptation to the poacher. Suppose the sale of grapes or pine-apples were prohibited in this country by legislative enactment; would not the effect of such a law obviously be to tempt gardeners and servants to act dishonestly? What reasonable objection could there be to putting hares on the same footing as rabbits. He really could not account for the process of reasoning, by which a gentleman felt himself at liberty to sell a rabbit, while he hesitated to sell a hare. He himself had not the least scruple in disposing of his rabbits for a reasonable price; as all the gentlemen in his neighbourhood did. If the law enabled gentlemen to sell their hares in the same manner, he saw no distinction between the two quadrupeds, which ought to raise any insurmountable difficulty. When he was told, that the proposed alteration in the game laws would deprive gentlemen of the pleasure of sporting, he begged to recal to their recollection what the fact was with respect to woodcocks. No species of game was pursued with greater avidity, and yet woodcocks were sold every day in the week in Leadenhall market. An hon. member had said, that this was matter of so much importance, that he (Mr. P.) ought originally to have taken it up. The fact was, that when he first came into office, he found the subject of the game laws in the hands of an hon. member, now Lord Salisbury; it had been subsequently taken up by his hon. friend, the member for Yorkshire, who had bestowed upon it a persevering attention, which entitled him to the highest credit. He had given his hon. friend every assistance in his power, and he should support his proposition, because he thought the best measure that could be adopted, even with a view to the interest of the game-preservers themselves, was, to give to game the same sanction which was given to every other species of property. If the House should follow the course they did last session, and reject his hon. friend's bill, he should probably feel it his duty to submit to the House a proposition, which, without altering the law as to qualification, might legalize, for two or three years, the sale of game. He should propose such a measure, not certainly with any view to maintain the privileges of the game-preserver, but for the sake of the public interests; for if they could not obtain all the good proposed by his hon. friend, the most prudent course would be to take as much as they could get.

On a division, the motion for the second reading was carried by 82 against 26; majority, 56.

## JURIES' REGULATION BILL.

MARCH 9, 1825.

MR. SECRETARY PEEL rose to bring forward his motion for consolidating and amending the laws relating to Juries. It was impossible, he apprehended, to urge any valid objection against clearing up what was obscure, and consolidating what was scattered over the whole statute-book, in the laws relating to Juries. There were no fewer than 85 statutes relating to the impanelling of Juries. What possible objection could there be in uniting all these statutes in one clear and intelligible Act? He would mention one or two statutes passed within the first ten years of the reign of Queen Anne, as a specimen of the confusion and incongruity which prevailed with regard to the laws on this subject. One of these Acts relating to Juries was also entitled an Act for the more easy recovery of small debts, and for amending the law relative to lands held in coparcenary. It was surely more consistent with common sense to separate the laws relative to juries from this incongruous mixture, and to consolidate them into one simple statute. Another Act relating to juries, the 10th of Queen Anne, was also an Act for defining the powers of magistrates in certain cases, for building county gaols, and for preventing apothecaries from filling certain parish offices. Some of the provisions relative to juries, which were still in force, were mixed up in the same statute with provisions relative to other subjects, which had long since been repealed. One of these Acts, for instance, was also an Act relating to vagrants, which was no longer in force, and an Act for prohibiting the exportation of leather. Many of these Acts he proposed to repeal altogether; that, for instance, relating to the attain of jurors, in case of bribery or improper conduct; an Act which, as Blackstone had observed, was coeval with wager by battle, and which, in the present enlightened age, ought, in his opinion, to share the fate of its contemporary. He would just state to the House the penalties which this Act inflicted on the offending jurymen. He was to lose his *liberam legem*; he was to become infamous for life; he was to forfeit his goods and the profits of his lands; his wife and children were to be cast out of doors; his house was to be razed; and his fields and meadows destroyed. In these days, he trusted, there was a better pledge for the integrity of jurors, than any penal statute of this revolting description. This statute had never been enforced during a period of two hundred years. It was just possible that it might again be brought into activity, as the law of wager by battle had been, within the last twenty years; and as the latter barbarous remnant of antiquity had been judiciously abolished, he proposed to take the same course with respect to the law for attainting juries. At the same time, if it could be proved to him that any benefit was likely to result from this law remaining on the statute-book—if it could be shown, that, in the present century, it really was a beneficial and practical control on the conduct of jurors, he should be perfectly ready to reconsider his opinion. The alterations which he proposed to make in the law relating to juries were very slight. He should make no new experiments with regard to the phraseology; for instance, where the ancient phraseology was clear and expressive, he should leave it untouched; where it was absurd and contradictory, he felt it to be consistent only with the civilization and improvement of the present age, to propose an amendment. The chief alterations which he proposed to make were these:—In the first place, with respect to the mode of summoning common juries, he should propose an alteration in the formation of the lists. Those lists were at present returned in parishes by the petty constable—an individual who was frequently unable to read or write, and too often open to seduction. Thus he had ascertained that the petty constable, in consideration of some trifling gratuity, often omitted the names of persons who were best qualified to serve on juries, and inserted the names of others who were less qualified to discharge that duty. He proposed to devolve the duty of forming the lists of persons qualified to serve on juries on the church-warden and overseers of the parishes, who, from their situation, were much better able to ascertain the qualifications of the parishioners, and who, from their respectability, were not liable to the objections which existed against the petty constable. He should also require a much more distinct enumeration of the qualifications and residence of persons liable to serve on juries, than was made at present.

He should propose also, that the appeals of persons whose names might be improperly returned or omitted, should be received at a petty sessions of magistrates, and not at the quarter sessions, where the magistrates had already sufficient business on their hands. He proposed, also, to extend the number of persons qualified to serve on special juries in counties. Under the existing law, none but persons designated "esquires" could serve on special juries in counties; and in one remarkable case, he alluded to the trial of Major Cartwright, only fifty-four persons, qualified to serve on special juries, exclusive of the grand jury who found the bill, were returned out of the whole county of Warwick. He should propose that in counties, as in the city of London, all persons returned, as merchants and bankers, should be liable to serve on special juries.—He should now advert to the most important part of this subject; namely, the formation of special juries for the purpose of trying causes. It was his intention to propose an arrangement which, he trusted, would be perfectly satisfactory to all parties, both to those who thought the present mode of striking special juries defective in theory and liable to abuse, and to those who, while they admitted that the theory was defective, thought that no practical abuse could arise from it, in consequence of the great respectability of the officers on whom the duty of striking special juries devolved. He should propose, that the names of all the persons qualified to serve on special juries in London and Westminster, and in every county of England, should be inscribed in a book, describing the rank and qualifications of each, and that to the name of each person, alphabetically arranged, should be attached a number of the arithmetical progression 1, 2, 3, 4, &c.; so that, for example, if there were a hundred persons qualified to serve on special juries in a particular county, their names should be alphabetically arranged, and the arithmetical progression 1, 2, 3, &c., up to 100, should be attached to those names in their alphabetical order. He should then propose, that a number of cards equal to that of the persons qualified to serve should be numbered with the same arithmetical progression 1, 2, 3, &c., to the extent of the whole list. The cards so numbered were to be put into a box or glass, and 48 of them were to be drawn out by an officer; these 48 were to be reduced to 24, in the present mode, and the names of the 24 called over in court in their alphabetical order [hear, hear!]. It would, of course, be admitted, that that mode of trial was to be preferred which would be most satisfactory to both plaintiff and defendant; and therefore it was proposed that, in civil cases, if both plaintiff and defendant should signify their assent in writing, that the officer should proceed in the old mode, then that course might be followed. It was important that the consent should be written, to prevent future differences. It should also be provided in civil cases, that when one jury had been selected, qualified to try commercial causes, if other parties having causes to be tried should signify their mutual assent, the same jury might proceed. To this course he saw no objection. But unless both parties consented, the law would be of no avail. This arrangement would not be allowed in political cases; in them there must be a ballot of the special jurors. The details of the measure would be better understood when the bill should be printed; at present, he only meant to propose that it should be read a second time *pro forma*, committed, and the blanks filled up, in order that its provisions might be fully understood. If it should be found, that benefit resulted from this measure, he hoped the House would not stop there with the principle of consolidation. It was impossible to contemplate the vast mass of laws in our statute-books, without feeling, that great advantage might be derived from extending the principle. The criminal code should be the first; for it was of the last importance, that the subjects of this realm should have a facility in knowing the laws which they were bound to obey. Many amendments might be made in the laws respecting forgery and larceny, which abounded with so many anomalies. The hon. and learned gentleman (Dr. Lushington) had devoted much of his time to the consolidation of some of our laws; and indeed it was only by the intervention of able professional men, that such a desirable object could be accomplished. He had himself been much occupied with this measure, and had also the assistance of eminent members of the legal profession, who were, of course, much better qualified to treat such a subject than he could pretend to be; and he trusted that, however necessary in other cases, a commission in this particular instance might be dispensed with, as he trusted the measure would be found satisfactory. With respect to the laws regarding forgery, they filled one entire volume;

and he thought that, in that case, a commission would be desirable; for he was sure that, neither the lord chancellor, the attorney-general, nor any professional man, could devote sufficient time for the minute investigation which was necessary. After the experience he had had of those eighty-five statutes respecting juries, he was persuaded, that, by carrying the principle of consolidation further, great improvement would be done to the laws; much confusion would be avoided, and many anomalies removed. He should therefore move for leave to bring in a bill "to consolidate the Laws relating to Juries, and for the regulation of Special Juries."

Leave was given to bring in the bill.

## VOTES OF MEMBERS ON QUESTIONS IN WHICH THEY HAVE A PECUNIARY INTEREST.

MARCH 10, 1825.

Mr. Hume having moved, as a resolution, "That no member shall vote for or against any question in which he has a direct pecuniary interest," Mr. Littleton moved the previous question by way of amendment.

MR. SECRETARY PEEL expressed his regret, not that the motion had been made, but that there should have been any necessity for making it. He thought it would be extremely difficult to come to any resolution on the subject. He intended to vote for the amendment, by doing which, he should not be precluded from hereafter adopting any measure which he should think applicable to the subject. There were three courses which it was open to the House to pursue. The first was, to adopt the motion of the hon. member for Aberdeen; the second was, to pass a declaratory resolution, to the effect stated by the member for Surrey; and the third was, to agree to the amendment proposed by the hon. member for Staffordshire. There were, in his opinion, great difficulties in the way of the adoption of the original motion. In the first place, without entering into any nice disquisition, the right of disqualifying members from voting was one which the House ought to exercise with great caution. Honourable members were sent to that House to perform duties to others. He was not certain that if he were called upon to come to a decision on the question *à priori*—that was to say, if there were no precedents on the subject—he would ever consent to any law by which a member could be disqualified from voting on any question. He should have felt *à priori* great doubts of the competency of parliament to disqualify a member from exercising his discretion, even on questions in which he had a direct personal interest. Might it not happen that a member's private interest would be concurrent with the interest of his constituents? He objected to the extension of the principle of disqualification, which was proposed by the motion. ["No," from Mr. Hume]. If the motion were not intended to extend the law of disqualification, he asked the hon. member, in God's name, to leave it as it stood. He thought that the hon. member's proposition was to come to them recommended by the consideration of novelty—that it was to determine what was doubtful, and supply what was wanting. Imperfect legislation on the subject—and it was legislation as far as they were concerned—he deemed most unwise. The effect of the motion would only be to divert the influence which was now openly avowed into secret and hidden channels. He thought that the hon. member had not applied himself to the correction of the great evil of which there was cause to complain—he meant the outrageous system of canvassing for votes on private committees. That which was a matter of notoriety was not so much to be dreaded as that which was transacted in privacy. If he knew any member to be interested in a measure, he could challenge him before the House, and put it to his honour whether he could give his vote on the question; and such an appeal would not be made in vain. He certainly would prefer to the motion such a resolution as that proposed by the hon. member for Surrey; although he was not prepared to say that he would adopt even that. If such a resolution should be agreed to, it would lessen the power which the House already had over its members. It was better that the House should have the power of deciding upon each individual case that should be brought before it, than to lay down any general rule on the subject. He did not see that any embarrass-



or other magistrate, shall witness such offence, as aforesaid, within his jurisdiction, it shall be lawful for him, on his view, to commit and punish the party or parties so offending, in such a manner as he might do under this Act upon information and proof made before him of such offence." Here was the establishment of a severe and most oppressive tyranny. By this bill, a magistrate would have the liberty of the poor man at his disposal. For any gentleman in the commission, perhaps, after having dined upon crimped cod, and after having devoted the whole of his day to fox-hunting, ay, and when about to sleep upon feathers plucked from a goose when still alive, might turn round upon any unfortunate individual who thought proper to amuse himself in his more humble way, and at once punish him, without hearing any evidence, or allowing any appeal. In his kindness to brutes, he would entreat the hon. member not to forget that part of the animal creation to which he himself belonged. With respect to Dr. Magendie, a gentleman of great professional skill, and to whom the hon. member had called the attention of the House on a former night, he must observe, that that statement had received a full refutation. But, supposing it otherwise, they all knew that the advancement of science required such experiments; and he would ask, would his hon. friend take into custody, and fine or imprison, the men by whom they were made? If the statement of the hon. member respecting Dr. Magendie were correct, he would not put himself forward as the defender of that gentleman; but, on the other hand, he should pause before he attempted to stop such experiments by unnecessary acts of legislation. Such enactments ought at all times to be viewed with suspicion; because the principle upon which they were founded was a most dangerous one. He opposed this bill, because he thought it unnecessary—he opposed it, because he thought it would have the effect of creating a privileged class of animals—he opposed it, because it went to debar the lower classes of society from those amusements, which persons of rank and station were to continue in the enjoyment of. If the hon. member wished to repress all cruelty to animals, then let him include in his bill, hunting, shooting, and fishing, and he should at once understand what he was at. In 1822, he, the hon. member, introduced and passed a bill to prohibit cruelty to animals. This year he came down with a fresh bill; and, if he succeeded in that, he would come next year, and say, "I find that there are still some animals unprotected, and as you have already given your sanction to two bills, and thereby acknowledge the justice of the principle upon which I go, you are bound to give me your support." He called upon the House not to allow themselves to legislate upon such subjects. The evils complained of would be done away with, by the growing intelligence and refinement of the country.

On a division, the amendment was carried by 50 against 32; majority, 18; and the bill was consequently lost.

## POLICE MAGISTRATES BILL.

MARCH 21, 1825.

The House having resolved itself into a committee of the whole House, to take into consideration the subject of the Salaries of the Police Magistrates of the Metropolis,—

MR. SECRETARY PEEL requested the attention of the committee to the subject upon which he proposed to address them; namely, the pecuniary allowance which the police magistrates of the metropolis received for their services. It was his intention to propose, that those individuals should receive an addition to the salary they at present received; a proposition which, he trusted, would not be considered at all unreasonable. He held in his hand papers, from which, if he chose to enter into any detail, he could prove, to the satisfaction of the committee, that since the institution of police magistrates, the business which devolved upon those individuals had, owing to various acts of parliament, independently of the increase of population, greatly augmented. Although that circumstance would, of itself, be a sufficient reason for increasing the salary of the magistrates, he rested his proposition upon grounds which he hoped the committee would consider even more satisfactory. When the police magistrates were first appointed, it was the practice to select individuals to fill the office, who, he must say, were utterly incompetent to discharge the duties which



devolved upon them. He found, from the papers which had been laid on the table, that out of twelve police magistrates appointed at a former period, there were only three barristers; the rest were composed of a major in the army, a starch-maker, three clergymen, a Glasgow trader, and other persons, who, from their previous occupations, could not but be utterly unqualified to perform the duties of magistrates. The law had fixed no limitation with respect to the previous education of persons appointed to the office of magistrate; but he thought the committee would be pleased to hear, that a limitation on that point had been prescribed by the Secretary of State. Neither his noble predecessor in office (Lord Sidmouth), nor himself, had ever appointed a person to fill the office of magistrate, who had not been a barrister of three years' standing. That was a rule to which, in his opinion, it was most desirable to adhere. But, in order to enable the Secretary of State to abide by that rule, and carry it into practice, it was necessary to augment the present salary of the police magistrates. He implored the House to consider whether £600 a year, the present salary, were sufficient to induce a barrister to give up the emoluments of private practice and the hope of preferment in his profession, to undertake the duties of a magistrate, which required his almost constant attendance. It could not, he thought, be considered an unreasonable proposition, that, in future, the Secretary of State should be empowered to give to each police magistrate the sum of £800 per annum. He hoped he should not be told, that individuals might be found, who would be willing to undertake the magisterial duties for a less sum. It was very true, that such was the case. He was constantly receiving applications from persons who were anxious to be appointed police magistrates. Those applications proceeded principally from country magistrates, who had discharged the duties of their offices ably and satisfactorily; but whom, nevertheless, he did not think it right to appoint to be police magistrates in the metropolis. He held the unpaid magistracy in as high respect as any man; but he could easily conceive, that a gentleman might, in consequence, of the influence which he derived from local circumstance—the relations of landlord and tenant, for instance—be able to discharge the duties of a country magistrate in a satisfactory manner, who would be incompetent to undertake the very important ones of a police magistrate. "Police magistrates" was the name generally given to the magistrates to whom he alluded; but those persons were mistaken who supposed that the duties which they had to perform were merely executive. They were called upon to administer the law in a great number of complicated cases which were submitted to them. Out of some recent acts of parliament many very important questions arose, which the police magistrates were called upon to decide. Several nice cases had occurred under the Building Acts. He knew one case of that description, which had occupied the attention of the magistrates for a couple of days; during which surveyors were examined on both sides. He thought that a salary of £800 a year was not more than a fair remuneration for the practice which a barrister must abandon, when he undertook the duties of a magistrate. It appeared to him, that the individuals appointed to administer justice in this country were more parsimoniously dealt with than in any other country in the world. He thought it was poor economy, to give an inadequate remuneration to individuals selected to administer justice, whether in the high office of judge, or in the less, but still very important, office of police magistrate. He might, he did not doubt, get persons—those who could not succeed in their profession—the refuse of the bar—to fill the office of police magistrate, at a lower salary than he proposed to give; he might save £100 or £200 a year by such a proceeding, but the public would have cause to lament it. The present police magistrates were of the highest personal respectability, and performed their duties to the great satisfaction of the country. There were thirty in number; only four of whom were not barristers. The right hon. gentleman concluded with moving, "That it is the opinion of the committee, that each of the Justices appointed, or to be appointed, under an act for the more effectual administration of the office of a Justice of the Peace in and near the Metropolis, shall be allowed such yearly salaries not exceeding £800, as shall be directed by one of His Majesty's Principal Secretaries of State."

In the course of the debate, in consequence of some observations by Mr. Hobhouse, Mr. Peel said, that if the committee should agree to the resolution which he had proposed, the increase would be extended to every police magistrate. As a proof that

there was no wish on the part of government to favour particular magistrates, he might mention, that though the last resolution for regulating the amount of their salaries was passed ten or twelve years ago in precisely the same terms, he believed, as that which he had now proposed, there was no distinction at the present moment in regard to the salaries of magistrates. They all receive £600 a-year. With respect to what the hon. member had said respecting the patronage of the Crown—if that were any object, it could be much better attained by giving the appointments to gentlemen from the country, rather than from the bar.

The resolution was agreed to.

## ROMAN CATHOLIC RELIEF BILL.

MARCH 23, 1825.

On the motion for the first reading of Sir Francis Burdett's bill, "for the Removal of the Disqualifications under which his majesty's Roman Catholic subjects labour,—

MR. SECRETARY PEEL said, he did not rise with any intention of provoking any discussion, upon this stage of the bill. He rose to say a few words, which he almost deemed unnecessary; to prevent its being supposed that, because he did not oppose the first reading of this bill, his zeal in the cause had become abated. As the House, by its decision on a former night, had sanctioned the principle on which this bill was founded, and, in point of fact, had ordered it to be brought in, he conceived it to be only fair, that the House should be allowed to see it; and he would therefore postpone his opposition to it until it came to the second reading. But, though he did not intend to take the sense of the House at present, he wished it to be distinctly understood, that his opinions on this question were entirely unchanged—that his objections to the principle of this bill were as strong as ever—that he was not inclined to enter into any compromise with the Catholic body—that he should give to this bill the same determined opposition which he had given to every bill with the same object which had preceded it—and that he should most certainly take the sense of the House on the second reading. He abstained, however, from entering into any discussion on the measure at present; because, from the state of the House, it could only be partial, and must be attended with little benefit. He hoped, however, that even those gentlemen who differed from him as to the principle of this measure would, if they succeeded in carrying it through its next stage, pay great attention to the details of it, when it reached the committee. The details of such a bill must at all times be a matter of great importance; and now that it was notified to the country, and promulgated to the world, that the person who prepared the draught of it was Mr. O'Connell, the leader of that Association which the House had deemed it prudent to suppress, he could not see any reason why their attention should be diverted from them.

After some discussion, the second reading was fixed for the 19th of April.

## ALTERATIONS IN THE CRIMINAL LAW.

MARCH 24, 1825.

MR. SECRETARY PEEL said, he rose, pursuant to notice, to move for leave to bring in two bills, of which, as they both related to alterations in the criminal law, he proposed to explain the objects and details at the same time. By the first, it was proposed to introduce an important alteration in the law respecting the sending threatening letters, by assimilating the punishment for those letters when they meant to extort money or other valuable things, by charging an attempt to commit a certain offence, with that of charging with the offence itself. As the law stood at present, the sending of a threatening letter charging with the offence itself, was punishable with the loss of life, but the sending such letters charging an attempt to commit the offence, was only a misdemeanour. Now, without entering into any detail upon the subject, it was enough to say that, in a moral point of view, the

attempt and the offence were alike infamous; and the danger from a charge of either was to be equally apprehended. Recent instances of a failure of justice in the administration of the law had rendered some alterations requisite; as last summer, a man who was morally guilty, was obliged to be discharged, from a defect in the law to meet his case. The next bill was intended to facilitate the granting free pardons by the Crown. At present, a person receiving pardon was not restored (according to the law phrase) to his "credits and capacities"—or, in fact, was not a free subject, unless his pardon had passed the great seal. Now, this was a most expensive process—so expensive, indeed, that it was out of the reach of ordinary persons; and hence, many were deprived of a right to which they were indubitably entitled. By the spirit of the English constitution, every man who had satisfied the justice of the country, by a pardon, ought to be restored to the same situation as he was in before he committed any offence; but by the practice of the law, this restitution to "his credits and capacities" was not complete, unless under the sanction of the great seal. Many instances of injustice must have taken place under this law; for the number of pardons under the great seal bore no proportion whatever to those under the king's hand. By the exclusion from "credits and capacities," the lawyers understood that a man could not be a competent witness in a court of justice—a most serious exclusion, as the House would see. The effect of this bill would be, to give to all pardons under the king's sign-manual, when countersigned in the usual way by a secretary of state, all the effect of a pardon under the great seal. It required but little argument to recommend this alteration in the law, as not only the injustice, but the inconvenience, of the present practice, was notorious. Suppose, for instance, a man were sentenced for some slight shade of felony to an imprisonment of six months, and that, in the mean time, his evidence became of the greatest importance in the prosecution of a capital offender. The man's credit possibly was not impeached by his offence; but he could not be produced as a witness, without the expensive and tedious proceedings of a pardon under the great seal: and possibly he would be wanted under circumstances which did not afford time for going through that process. In such cases, there was a possibility that justice would be altogether evaded. So also with respect to the pardoned convicts of New South Wales. What could be more galling, upon a man returning with the king's pardon to his native country, than to find that, because he was a thousand miles off, and had not had his pardon passed under the great seal, or could not afford to do so, he was still unworthy of credit in a court of justice? The fees upon a pardon under the great seal were very high; and properly so, for so solemn an act. The bill would also go to place persons whose sentences had been commuted in the full enjoyment of all their rights as free citizens. So, when a capital convict had fulfilled his commuted term of seven years' transportation, he was to be restored to all his "credits and capacities." No maxim was more just, than that when a man had complied with all the conditions of the law, he was entitled to all the protection of the law. This being the first object, the next was, to supply a singular omission in the present law with respect to clergyable offences. The effect of the *privilegium clericale* in law formerly was, that, after a conviction upon certain felonies, persons, not clerks, were restored to their rights, after being branded upon the left thumb; but this infliction upon so odd a part of the person being found inconvenient, the punishment was changed to burning on the fleshy part of the left cheek, as near the nose as possible. More lately, however, the enlightened spirit of civilization had disused these barbarous inflictions altogether, and a slight fine and imprisonment were now accepted, in lieu of the burning in the thumb; but so far as regarded the expiation of the offence, the individual was not restored to his rights, as he would have been by being burnt in the hand. It was therefore important to establish some general principle in punishment, by making a certain degree of punishment an expiation of a certain offence, and a restitution to all rights, without its being referred to any other punishment of which it was the substitute, but as deriving its sanction from a substantive enactment. By a recent act, the punishment of whipping of females had been abolished, and fine and imprisonment had been awarded in its stead; but still, though these stood in the lieu of branding on the thumb as punishment, yet they did not serve its office as to the restitution of rights: for a woman so punished was not a competent witness in a court of justice. Here was

an absurdity in the law which loudly called for amendment. In God's name, when parties had expiated their offence by fulfilling the sentence of the law, why should any exclusion remain against them? It was, therefore, provided by this bill, that wherever a party had undergone the punishment awarded by the court for any offence, he was then restored to all his rights, credits, and capacities, in as full a manner as though no offence had been committed. The third object of the bill was, to remedy a most extraordinary anomaly in the criminal law, as it affected a clergyman. It was scarcely credible, that at this day a clergyman convicted of a clergyable felony, should be dismissed altogether the first time, and encouraged by impunity to commit more. In a note to Blackstone it was stated, "that if a clergyman commit a capital felony, he may be hanged like any other subject—if a larceny or misdemeanour, he may be punished; but, if a clergyable felony, he must the first time be dismissed harmless." Now, bound as he was to protect the clergy, he did not feel himself called upon to except them from the consequences attending their misdeeds, more than any other class of men. The present was the fittest time to legislate, when there was no particular case before the House. It was desirable to equalize the law towards all parties. There were many other parts of the criminal law which called for amendment and reform; but let the House make a beginning. The right hon. gentleman concluded by moving for leave to bring in the two bills.

In answer to a question from Mr. Bright, Mr. Peel stated, that all cases wherein pardon under the sign-manual had been granted, should receive the benefit of the measure now proposed.—In consequence of some remarks from Mr. Bernal, respecting the practice of passing prisoners manacled through the streets, from the police offices to prison,—

Mr. Peel assured the hon. member, that the subject had not escaped his attention. He had considered whether or not a caravan ought not to be procured, for the conveyance of prisoners from the police office to the gaols. But he had ascertained that the keeping up of such a conveyance would be exceedingly expensive; for, from the distance of the offices from each other, it would be necessary to have a caravan for each. As to the indecency of passing prisoners manacled through the streets, he concurred in all that the hon. member had said. In fact, he had sent to inform the different magistrates, that it was his wish that the prisoners should be passed in hackney coaches.

[For some years past, large caravans have been employed expressly for this purpose].

## DISSENTERS' MARRIAGES BILL.

MARCH 25, 1825.

In the debate on the motion for the second reading of the Bill for the Relief of Unitarian Dissenters, in the performance of the marriage ceremony,—

MR. SECRETARY PEEL said, that as the present bill was a measure, the object of which was, to give relief to tender consciences, he thought every opportunity should be afforded for solving or removing any difficulties connected with it. He therefore would agree to its going into a committee, where the hon. mover would have full scope for meeting those objections which might be urged against it. He admitted, that the right of marriage stood on very different grounds from the right of holding certain civil offices, or of obtaining certain civil privileges, to which allusion had been made. He was sorry that the scruples, to meet which this bill was brought in, existed at present. For forty or fifty years, the dissenters had not objected to that mode of solemnizing marriage, against which they now protested; and he was concerned that they were not still prepared to accede to the system which had so long continued. They had, however, preferred their claims for an alteration in the mode of solemnizing marriages; and those claims should be seriously considered. Last session, they were told, that a scruple existed in the minds of a class of dissenters against taking an oath: but, who could tell what was the extent of that scruple, except the individual who felt it? Could any one tell how far scruples might extend—how far doubts might proceed—with reference to other sects? How, then, were they to legislate so

as to give satisfaction to all? The learned gentleman wished the House to go at present as far as this bill went; but he had observed, that if this bill were carried, it would be followed by various others, to embrace every species of scruple which might be felt by the dissenters. Now, it would be more satisfactory to know clearly the extent to which it was intended that this measure should be urged. In point of fact, the learned gentleman ought not to vote for this bill at all; because, on his showing, it would not give relief to the Unitarians. The learned gentleman had said, that many of them had objected to going before a clergyman at all. If so, he must contend, that at least to these Unitarians the bill afforded no relief whatever. If every man in society were allowed to select the individual by whom he should be married, the marriage vow, he was quite sure, would not be observed with that sanctity with which it was observed at present. The Quakers and Jews were allowed to marry according to their own rites. The present bill, however, did not place the Unitarians on a level with the Jews and Quakers. No: according to this measure, the Unitarian marriages were to be registered in the church of England. Now, the Jews and Quakers had nothing to do with the church of England; their marriages were solemnized according to their own forms, and were registered in their own peculiar way. It was proposed to suffer these Unitarian marriages to be performed under license. But here a considerable difficulty arose. If he could give relief to sincere Unitarians, without incurring considerable danger, he would readily do so. If he could easily recognise such Unitarians, his difficulty would be at an end; but, pretended religious scruples might be professed, for the purpose of evading the law of the land; and the chance of such occurrences ought to be carefully guarded against. The Jew and the Quaker could be easily discerned by their garb, and their manners. The moment they were seen they were known. They could not practise deceit with any hope of success. But, if a stolen match were intended between a Protestant and a Unitarian, for the purpose of securing a property, it would be difficult, from the garb or manner of either, to discover that any clandestine proceeding was contemplated. It was also provided by this bill, that bans should be proclaimed in the Unitarian chapel and the Protestant church. But a Protestant parent was not likely to attend a Unitarian chapel; neither was it probable that a Unitarian parent would attend a Protestant church. How, then, could any system of collusion be discovered? If they passed this bill, they certainly would not have the same check on improper marriages as they had at present. With respect to the question of registration, it was proper to observe the mode in which the Jews and Quakers proceeded. They proved their marriage in the ordinary way; and if that marriage appeared to be valid, according to their respective institutions, no further proceeding was necessary. But, with respect to the marriage of Unitarians, a registration was required by this bill. Now, certainly, the clergy of the church of England might feel sincere and conscientious scruples as to this registration. By this bill Unitarians might be married in their own chapels; but it was a positive injunction on the clergy of the church of England, to register those marriages in the church of England books. According to the doctrine of the church of England, marriage was not merely a civil, but a religious ceremony: it was denominated "holy matrimony;" and, by the present bill, the clergyman was called upon to enter in that book, which was appropriated to the insertion of entries relative to what the church of England viewed as a religious ceremony, the marriages of parties who denied the divinity of our Saviour. But that entry was not to be originally made there. The original entry was placed in the Unitarian chapel. So that, if the party married wanted a copy of the entry from the church books, for any legal purpose—what did he receive? He received the copy of a copy. He did not get the best evidence that could be procured. Why not say at once, that by law the church of England should have nothing to do with this registration? Why not declare that the record of marriage should be furnished in a regular manner by the Unitarian body, to some proper office? He would not oppose the second reading of the bill; but he must observe, that while he could not coincide in all the opinions expressed by an hon. gentleman, (Mr. Robertson,) he respected that gentleman for the manly boldness with which he had delivered his sentiments. He did not entertain those fears, as to the safety of the church of England, which the hon. gentleman seemed to feel, in the event of this measure being agreed to. He, however, saw clearly enough the difficulties which were connected with the bill; and, after the intimation

which had been given, that a number of measures were contemplated if this bill were carried, he hoped that some distinct and intelligent principle would be laid down, to let the House understand the extent to which it was expected they would go.

The Bill was read a second time.

## COMBINATION LAWS.

MARCH 29, 1825.

Mr. Huskisson moved "for the appointment of a select committee to inquire into the effects of the Act of the 5th Geo. IV., cap. 95, in respect to the conduct of workmen and others in different parts of the United Kingdom: and to report their opinion how far it may be necessary to repeal or amend the said Act."

In the discussion which ensued,—

MR. SECRETARY PEEL said, that he was not aware, before that evening, that the committee which had sat upon the combination laws last year, had consisted of so many as fifty members. That circumstance, however, seemed in some degree to have contradicted the maxim, that "in the multitude of counsellors there was wisdom," for their report, and the measure founded upon it, had failed to convince him, that the precipitate repeal of thirty-five statutes, without substituting something for that which had been taken away, was the best course which could have been pursued. He did not mean to defend the old statutes, which were undoubtedly very defective, but he thought the law, as it at present stood, was not what it ought to be. The question now came fairly before the House; and he was happy that nothing of party or political feeling was mixed up with its discussion. The ten resolutions of the committee declared, that it was expedient to punish, in a summary manner, the man or the master who, by violence or threats, attempted to injure the property or the rights of the other. The offender was to be taken before a magistrate; who, on the testimony of two credible witnesses, might send him to prison. Now, under this part of the law the criminals generally managed to escape the penalty of their misconduct; for what they did or said was done or spoken only to the master and not in the presence of any witnesses. Why the presence of two witnesses was rendered necessary, he knew not; but so it was, and the consequence was that the law was evaded. He did not think that the whole of the evil could be fairly ascribed to the masters. He believed the system of delegation, at present existing in this country, to be an excessive and infamous tyranny. Was it fit that such a system should be longer borne? Was it fair—was it just—was it in accordance with that free trade, of which so much had lately been said, and which had been justly described as of the highest importance and benefit to this country? He asked, was it for the advantage of that free trade, so justly praised of late, that men should be permitted to refuse to sail in a vessel, unless all the crew and the mate of that vessel were members of the union? The effects of such a system were most disastrous. The master might have entered into a contract, under a heavy penalty, to sail at a certain time—he might have taken his cargo on board—every thing might be ready—and then, when he was anxious to sail, he would find himself prevented from doing so, by his crew refusing to proceed on the voyage, unless the mate were a member of their union. He might have no confidence in the members of that union, or he might have placed as mate, on board his vessel, a man in whom he had the highest confidence. That circumstance would be of no avail; he would be reduced to the alternative, of either complying with the demands of his crew, on the one hand, or of submitting to the loss of the penalty in his contract, on the other. Was such a system to be any longer endured? He trusted not—but that some remedy would be applied to so gross and glaring an evil. He knew that a committee of delegates was very recently sitting in the Thames, dictating, in the most imperious manner, both to masters of ships and shipwrights. He would mention one instance of this. A short time back, four or five individuals presented themselves at the yard of a shipwright employing a great number of men, and commenced employing themselves in the works. The foreman, or one of the masters, told them, that they were not wanted. And, what was their answer? They said that they had been sent thither by the committee of delegates, and that employment must be found

for them. They were again told, that the number of men already employed was quite sufficient for the purposes of the business, and they were desired to retire. The consequence was, that all the men in the service of that shipwright quitted immediately afterwards. The same thing was done in other parts of the country. One object of the combination was manifestly injurious to the men, who were, however, deluded enough to attempt to obtain it—that was, the indirect establishment of a maximum of wages. If that could be done, the men would be the principal sufferers: for the active, industrious, and powerful man ought, undoubtedly, to gain more than the slow, the idle, or the weak workman; and yet the reverse would be the fact, if their intention could be carried into effect. The old and the young, the strong and the weak, would then receive the same remuneration for their labour, and the men would have succeeded in establishing the worst principle that could be applied to the regulation of wages. He knew of a case where the safety of a vessel had been in danger by a combination existing among the men, in consequence of which they conceived it to be inconsistent with the rules of a certain society to give their assistance in the particular manner required. That assistance was obliged to be procured from other individuals, who were very largely paid for it. Such a system was injurious to property; and if carried into operation, might be destructive to life. The evils it occasioned to both parties were extremely great; and, for the benefit of the men themselves, he thought the system ought to be repressed. He called on the House to look with calmness to the present existing circumstances, and without reference to party or to prejudice, to say what was the extent of the evil, and what was the nature of the remedy that ought to be applied. If they did so, he was confident the result would be highly beneficial to the country. Indeed, he believed that the promulgation of the discussion of that night would have a most excellent effect on the minds of the deluded men who had entered into these combinations, and that they would find it their interest to abandon such combinations in future. The effects that had been produced in Dublin were terrible in the extreme. In the course of the three last years no less than ten lives had been lost in consequence of these combinations, and not one of the persons connected with these murders had been brought to justice. He thought, therefore, he was justified in saying, that they produced the effect of breaking the bonds of civil society, and of reducing men to that state, in which force was the only arbitrator of all the differences. The horrid details of the manner of committing these murders had been stated by the hon. member for Aberdeen, who had said, that the curriers, when offended, applied to the carpenters to avenge them, in consequence of which the sufferers could not know the persons by whom they had been assaulted. He thought such a state of society dreadful in the extreme, and the sooner it was put an end to the better: the men had attempted to regulate the number of apprentices that their masters should receive; and twelve having been the limited number, the master who took thirteen rendered himself obnoxious, and was thought deserving of punishment. They had also attempted to regulate the numbers of the machines employed by any master; if not, to put a stop to the employment of machinery altogether. In the case of Mr. Robinson, a very extensive iron manufacturer, who had constructed a machine by which nails could be made with great rapidity, the men had determined to prevent the use of those nails which he manufactured. The nail makers, therefore, assembled a meeting of three thousand men of other trades, who promised, that if their masters would oblige them to use Robinson's nails, they would drive them in crooked. This took place in Ireland; and the consequence was, that instead of the nails used there being manufactured in that country, they were obtained from Birmingham; so that the introduction of English capital into the labour of Ireland, which was so beneficial a measure for that country, and which had taken place in this nail manufactory, was rendered totally ineffectual and useless.—The fact was, that there existed the strongest necessity for a law to repress combinations—a law which should equally bind both masters and men—which should be founded in principles of the most perfect equality of punishment, and which should provide an efficient remedy for this disgraceful system of combination. The men should be prevented from attempting to regulate that of which they knew nothing; while the masters should, at the same time, be prohibited from combining together, so as to affect the interests of the men. He should therefore support the motion, for a committee to

examine into the effect of the repeal of the combination laws; and he thought the present a fit time for the purpose, as the question could be considered carefully, and the evils, and the best means of checking them, adopted. As the law at present stood, he could only say, that in case of any actual violence committed, he would, as Secretary of State, give every civil—ay, and in cases of necessity, every military assistance that could be afforded to the parties. But he had no doubt, that when he said this to the masters, they would answer him, by declaring, that it was not open violence they feared: that the men attacked their interests, and injured their property, by combinations, producing a more silent, but not less certain effect. In such cases, all that he could do was, to advise the masters to enter into counter combinations, by which they might succeed in defeating the objects of the men. That they might succeed by such counter combinations there could be no question; but then, the feeling of amicability and good faith, which ought to exist between masters and men, would be destroyed; and he therefore gave such advice with the utmost reluctance, because he felt that, by establishing these counter combinations, the amount of evil was only increased; and yet, however, without them the masters, under the present system, could have no protection. He had lately received from Ireland proofs, too conclusive to be doubted, of the evils of such a system; and he did think that there was a party to whom no allusion had yet been made, whose case was, however, well deserving the attention of the House. He alluded to the situation of any man, who, in the midst of these combinations, should resolutely adhere to his master. Such a person would be the object of universal hatred among the men; and he did think that there were more than twenty towns in that country, where such a man could not appear with safety after night-fall. Could there be a stronger case for the intervention of the legislature than this? He thought not; and he was glad to observe the unanimity which prevailed in the House respecting the impropriety of combinations of all kinds. He trusted, that after the evils of such a system had been exposed in the manner they had that night been, the men would listen to argument, and be convinced of the impropriety of their conduct: that they would feel how hostile it was to their own interests; and that they would of their own accord abandon it; if not, he trusted the result of the deliberations of the committee would be a law equally for the benefit of the masters and the men—a law which would prevent that system of combination, than which nothing was more injurious to the true interests of this country.

The motion was agreed to.

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## ROMAN CATHOLIC CLAIMS.

APRIL 18, 1825.

MR. SECRETARY PEEL having presented a number of petitions, some from the clergy, some from persons not connected with the clergy, and others, again, from dissenting congregations, replied to some objections which were made respecting the petitions he had presented from dissenters.

He wished, he said, to offer a remark or two in defence of the conduct of those whose petitions he had presented. One of those petitions—that from Bolton—was signed by nearly 10,000 persons, comprising almost the whole of the dissenters of that neighbourhood. Now, for his own part, he saw no inconsistency in the conduct of Protestant dissenters when they approached that House, and petitioned against granting any further concessions to the Roman Catholics, because those dissenters were protected by the annual indemnity act. That circumstance did not alter the state of the question. They had a right to petition against the concession of privileges to those whose religious doctrines they disliked, because they conceived them dangerous. The petitions of the dissenters were couched in the most respectful terms. The petitioners declared, that they felt no hostility against the Roman Catholics, but that they were actuated solely by religious scruples. They felt that the doctrines maintained by the Catholic church were further removed from their own, than the doctrines maintained by the church of England; and surely they had a right to approach that House with petitions against granting additional privileges to a body of whose intolerance all past history most amply informed them. If the bill now before the



House were passed, it would not alter the law relative to taking the sacramental test; but, as might be inferred from what the learned gentleman had said, if it were intended to make that bill the first step towards repealing all laws which respected the necessity of taking particular tests, on account of religious opinions, he believed he might reckon on the opposition, to the bill, of many persons who had intended to support it.

The petitions were ordered to lie on the table.

## ROMAN CATHOLIC RELIEF BILL.

APRIL 21, 1825.

In the second night of the debate on the motion for the second reading of Sir Francis Burdett's Bill "For the Removal of the Disqualifications under which his Majesty's Roman Catholic Subjects labour,"—

MR. SECRETARY PEEL said, that the House would, he was sure, believe him, when he stated that nothing would have been more gratifying to himself individually, than to have been spared the painful duty of addressing it upon this occasion. The subject, though important in itself, was one on which he had so often obtained an indulgent hearing from the House, that he felt considerable reluctance in claiming it once more, and that reluctance was rather increased than diminished, when he recollected that he had not only to follow his right hon. friend, but also to state the grounds on which he differed from him in opinion. His right hon. friend knew with what cordiality he agreed with him upon all other occasions; and would therefore readily give him credit for sincerity, when he declared it gave him the utmost concern to differ from him on the present. But, if he saw greater danger and less benefit arising from this bill than his right hon. friend did—if he thought that less evil would accrue to the country by adhering to the existing system, than by departing from it—he was sure that he should not lose the esteem of his right hon. friend for publicly stating the grounds on which he came to so different a conclusion.

Before he noticed the various topics to which his right hon. friend had alluded, he would beg leave to advert to that which appeared to form the chief feature in the present debate—he meant the conversion of several members who had formerly taken the same view of this question that he was now going to take, into supporters of the measure. He had heard, and with the most perfect conviction of his sincerity, the avowal of the hon. member for Armagh, that he had changed his opinion upon it. If he (Mr. Peel) had changed his own opinion, he should have been most ready to avow it; but as he had not changed it, he trusted that his honourable friends would give him the same credit for purity of motive in retaining it, that he gave to the hon. member for Armagh in abandoning it. On this question he had always pursued a course which he considered a course of moderate opposition to the claims of the Catholics. His opposition to them was decided, but unmixt, he trusted, with any feelings of ill-will or animosity. He had never said that the number of petitions presented against them was an insuperable bar to conceding them; nor had he ever encouraged the presentation of any petitions. If not a single petition had been presented on the subject, he should have acted upon his own judgment, and should have opposed the claims, as he now intended to oppose them, just as he should have admitted that, had the petitions been ten times as numerous as they now were, they formed no insuperable bar to the granting of the claims, supposing the House felt, that the alarm which had given rise to them had no justifiable foundation. He therefore agreed with his right hon. friend, that though the number of petitions which had recently been presented was an indication that this measure, if carried into a law, would not give universal satisfaction, still it left the House at perfect liberty to grant the claims of the Catholics, if it should be of opinion that, in point of equity and expediency, they ought to be granted.

To return, however, to the point from which he had unintentionally digressed. He had been noticing the conversion of his hon. friend, the member for Armagh, and had been proceeding to offer a few remarks on the nature of it. His hon. friend

had said, that, in consequence of the attention he had given to the evidence which had been tendered before a recent committee, the ground on which he had formerly opposed Catholic emancipation had been entirely cut away from under him. If that were the case, he could only say that it convinced him that the grounds upon which his hon. friend had opposed it, had always been very different from those upon which he opposed it. His hon. friend declared, that his opposition to the claims of the Catholics had relaxed, because he had heard Dr. Doyle deny that it was a tenet of the Catholic church that the pope had power to excommunicate princes, and to depose them from their sovereignty—that faith should not be kept with heretics, and that the temporal power of the pope was not admitted in Ireland. Now, this was not the first time that all these tenets had been solemnly disclaimed by the Catholic church. Had his hon. friend been so long in the habit of opposing the Catholic claims, without hearing of the answers of the foreign universities to the queries propounded to them by Mr. Pitt? If his hon. friend had at all examined into the point, he would have found, that all the answers received by Mr. Pitt contained an express denial of the three tenets he had just mentioned: he would have found the same denial avouched in the oath which the Catholics now took: he would have found that they had long abandoned, in word at least, the temporal authority of the pope: and, therefore, if he were now satisfied for the first time upon these topics, he had not attended with sufficient care to the evidence which had already been collected and submitted to the notice of parliament. But, said his hon. friend, “matters cannot long stand as they now are; and, therefore, in order to bring them to some better arrangement, I will vote for the second reading of this bill.” His hon. friend, however, went to add, that unless some other measures were attached to it in the committee, his assent would be recalled, and he should oppose the bill on the third reading. For his own part, he must confess, that he was somewhat surprised by the conduct of his hon. friend. His hon. friend said, that he voted for the bill because he wished to have a better settlement of matters than now existed; and yet, if the measures to which he alluded were not carried, he was going to pursue that line of conduct which would leave matters just in the same state that they were at present. Now, as he (Mr. Peel) did not attach any very great importance to the two measures to which his hon. friend attached so much—he meant the alteration in the elective franchise, and the qualified establishment of the Catholic priesthood—he thought he was taking a more consistent course than his hon. friend was, in giving his decided opposition to the second reading of this bill.

His right hon. friend (Mr. Canning) had opened his speech by referring to the petitions which had been presented against the bill, and had said, that they were founded in erroneous notions, that they exhibited absurd apprehensions of danger, and that they evinced the most extraordinary ignorance of its nature and its provisions. In proof of his assertion, his right hon. friend had alluded particularly to one petition, which certainly did make out the charge which he had advanced against them. The persons who signed that petition approached the House with all humility, and prayed it not to place the Roman Catholics, as it was going to do, in a better situation than that in which it had placed the Protestant Dissenters. His right hon. friend had said, and said truly, that the object of this bill was only to place the Roman Catholics on the same footing with the Protestant Dissenters; and had then proceeded, with his usual talent for railleury, to ridicule the error into which the petitioners had fallen. Undoubtedly, the petitioners, if they looked at the bill, would see that they had committed a mistake; but their mistake was pardonable, if they had had access to a recent speech of his right hon. and learned friend the Attorney-general for Ireland, who had demanded in that House, for the Catholics, an equality of civil privileges as their abstract natural right, and had said, that a refusal of their claims would be as unjustifiable, in point of moral justice, as a downright invasion of their property. After such a declaration, the petitioners had almost a right to say, that the effect of this bill was, to give the Roman Catholics privileges superior to those enjoyed by the Dissenters, since the Dissenters were protected by annual indemnity bills, and yet no such protection was deemed necessary for the Catholics.—His right hon. friend had likewise noticed the petitions of the clergy against this bill, and had thought it strange that so much theological discussion should have been introduced into them. Now, he could not participate at all in that surprise. The second clause in the preamble to the bill

referred to "the doctrine, discipline, and government of the Protestant Episcopal Church of England and Ireland," and stated, that it was essential to preserve it "permanently and inviolably." And yet, such alterations were now contemplated in the bill, that the clause was quite unnecessary. For the question was not any longer, whether the House would admit Catholics to a share of political privileges, but whether it would consent to a qualified establishment of a Roman Catholic church. Now, if the doctrine, discipline, and government of the Church of England were to be permanently and inviolably maintained, it became necessary to consider, what that doctrine, discipline, and government were, and where they were to be found explained. The doctrine of the Church of England was to be found in what were called the Thirty-nine Articles. Amongst those articles he found one containing a protest against the establishment of the Church of Rome. When, therefore, a clergyman of the Church of England heard that measures were proposed in parliament, for paying professors of that very religion against which he was bound, in the discharge of its functions, to protest, what was there in his religious creed to prevent him from petitioning firmly but respectfully against such a measure? In the Articles of the Church of England it was stated, that the administration of the sacrament in a language which the vulgar could not understand, was contrary to the word of God—that the adoration of saints, the worshipping of images, and the sacrifice of the mass, were not sanctioned by the Bible; and that the pope had no jurisdiction, either temporal or spiritual, within this realm. Now, when the clergyman of the Church of England was told that the doctrine, discipline, and government of his church were "established permanently and inviolably," and yet saw that it was intended to erect a modified establishment for another church which held as articles of implicit faith those articles which it condemned as contrary to the Bible, and as unsanctioned by the word of God, had he not reason for thinking, that the time was at length come in which his duty compelled him to introduce into his petition, matter which trenched closely upon theological discussion?

He must confess, that he was himself somewhat surprised at the two first clauses in the preamble of the present bill. They were as follow:—"Whereas the Protestant succession to the imperial Crown of this united kingdom and its dependencies, is, by the act for the further limitation of the Crown and the better securing the liberties of the subject, established permanently and inviolably: and whereas the Protestant Episcopal Church of England and Ireland, and the doctrine, discipline, and government thereof, and likewise the Protestant Presbyterian Church of Scotland, and the doctrine, discipline, and government thereof, are, by the respective Acts of union between England and Scotland, and between Great Britain and Ireland, therein severally established permanently and inviolably." Now, why were these two clauses introduced into the preamble? There was no clause in the bill which provided for the permanent and inviolable security of the Protestant establishment. These clauses had some connexion with the first bill that was introduced by the late Mr. Grattan; for they were there followed by a third clause to this effect—"And whereas it would tend to promote the interest of the same, and strengthen our free constitution, of which they are an essential part, if the civil and military disqualifications under which his majesty's Roman Catholic subjects now laboured were removed." That clause was omitted in the present bill; for to say that the privileges which it conferred upon the Catholics were intended to promote the interest of the Church of England, and to strengthen our free constitution, would be an absurdity too great for any man at this time of day to think of believing. He had, therefore, some apprehension, from these two clauses being still inserted in the preamble, that there was, in the enactments of the bill, something pregnant with hidden danger to the constitution. The House would recollect, that, in the feast in Macbeth, that tyrant, before he went round the table to pay his respects to his guests, expressed an anxiety for the presence of Banquo, whom he had doomed to die. One of the commentators had remarked, that this single touch of nature showed a greater consciousness of guilt in Macbeth's mind, and excited a stronger suspicion that he intended mischief to Banquo, than a thousand laboured speeches could have done. He, too, thought, that the anxiety for the welfare of the Church of England exhibited in the preamble, and not followed up in any of the enactments of the bill, was one of those touches of nature which showed a consciousness of danger in the bosoms of the framers of the

bill; and which ought to excite a lurking suspicion that all was not so correct in it as at first sight it appeared to be. The constitution, he contended, was virtually altered by this bill. The bill of rights was repealed by it. That bill provided, by an enactment as solemn as an enactment could be, that the oath taken by every person, on his admission to office, should be the oath of supremacy, which asserts, "that no foreign prince, person, prelate, state, or potentate, hath or ought to have any jurisdiction, power, superiority, pre-eminence, or authority, ecclesiastical or spiritual, within this realm." This oath—he said nothing at present about the declaration against transubstantiation, which stood on different grounds—this oath was now to be repealed. He did not deny the right of the House of Commons to alter this oath, if it thought good; but he must say that, when they told him that they wished to secure to the Church of England permanency and inviolability, and when they altered that act which provided for it most effectually, he had a right to ask what security they had to give him for the fulfilment of their promises? He was not going to deny, that the maintenance of the succession to the Crown in the Protestant line, together with the necessity of two or three of its principal officers still remaining Protestants, was an important security. Still it was worth while to examine what it amounted to. It amounted only to this—that the individual who came to the throne should make the declaration against transubstantiation, and should be in communion with the Church of England. All the security of surrounding him with Protestant counsellors was altered. This made it necessary to consider how it was that James 2nd endeavoured to effect his purposes? "By the assistance of divers evil counsellors, judges, and ministers employed by him"—he used the language of the Bill of Rights—"did he endeavour to subvert and extirpate the Protestant religion, and the laws and liberties of this kingdom." The House would therefore see, that, though the king was obliged to be in communion with the church of England at his accession to the throne, he was left at liberty, by this bill, to make his selection of counsellors amongst his Roman Catholic subjects. What might be the consequence of such an event? He would suppose that the individual who filled the throne, after he had taken the oath against transubstantiation, found the grounds of his creed to be erroneous, and considered the ancient religion of the country to be the wisest and the best. He would suppose that he took advantage of the liberal doctrine which had been that night advanced, that a man's religious opinions were not matter of his own choice, and that it would be the height of intolerance to subject him to any disqualification on that account. Now, he would say, that if a king or queen of this country, with a mind liable to the influence of designing persons, after his or her accession, were to become a convert to the Catholic faith, and were to declare his or her adherence to it, the peace and tranquillity of the country would rest on the will of a single mind. An attempt to dismiss that individual from the throne, because he had, upon conscientious principles, changed his religious faith, might be productive of very serious convulsions in the country. In the reign of James 2nd it had produced them; and in that of Charles 2nd, the suspicion of such an event had given rise to the precautions which it was the object of the present bill to get rid of for ever. He knew that such an event might occur under the present system; but, if the ancient barriers of the constitution were broken down, and the sovereign were enabled to surround himself with Catholic advisers, facilities for it would be created which at present had no existence. He allowed that the danger he was now describing was merely speculative; but, when the fundamental laws of the country were going to be repealed, it was right to look even at speculative danger. The hon. and learned member for Plympton had told them that they were not to look at the clouds with a telescope, and disregard the immediate danger at their feet. Agreed; but still they were bound to be cautious; and, if they saw a cloud in the sky, which at present was not larger than a man's hand, they ought to recollect that it might, ere long, overcast the firmament, and involve the whole face of nature in gloom and desolation. Against this they were bound to provide. Let us act towards those who were to succeed us, with the same caution and prospective regard with which our ancestors acted towards us; and let us not, for any temporary convenience, diminish the strength and security of our institutions. Let it be recollected, that we were not now deciding on the formation of new institutions. The question was not, whether our form of government were to be republican, where all religions were admitted equally to the

participation of political power; but whether, being a monarchy, with the Protestant religion established by law, and interwoven with that monarchy, we were now prepared to abandon those securities by which that government was preserved and supported? It was to be recollected, also, that the temporalities of the Church of Rome had been transferred to the Protestant Church; and that, upon the principles of human nature, those who professed the tenets of the former, must view with jealousy, and consider as an usurping body, the latter. Without imputing to the Roman Catholics any immoral feeling, under the circumstances in which that religion stood in relation to our establishment, he undoubtedly considered it unsafe to legislate for it. In that view, he could find no security in the assurances which the proposed oath demanded. What, he would ask, was the practice of the constitution under circumstances analogous? When the legislature disqualified revenue officers from voting for members of parliament—when it denied to the clergy the capacity of sitting in that House—it at once founded its disqualifications on the undue influence by which it presumed, on the general principles of human nature, those classes would be actuated. It legislated on that ground, and wholly disregarded all securities which declarations, under such circumstances, afforded. The recollections of history teemed with illustrations of the same principle. When he found, for instance, such a man as Mr. Charles Butler, a most able and highly-respected individual, entertaining the conviction, that the Reformation had not led to the temporal prosperity of this kingdom; that it had not accelerated the revival of learning—opinions which, as conscientiously entertained by that gentleman, he would not quarrel with—but, he would say, that with such opinions it was impossible that the individual who entertained them should not consider the dispossession of his church of its temporalities by the Church of England, as a great act of injustice; and that therefore, with such impressions, he was not qualified to legislate for a state essentially Protestant. He felt the same conviction when he was told to refer to the statements of Dr. Doyle, as given in evidence before the parliamentary committee; and on that point he must declare his total inability to reconcile the former acknowledged publications of that very able and reverend gentleman, with the testimony given by him in those committees.

The right hon. gentleman here proceeded to read extracts from the publications of Dr. Doyle, addressed to the Roman Catholics of Ireland under the signature of J. K. L., and which in eloquent language described the state of the Protestant Church in Ireland, and the extent of the sacrifices, which, at the expense of food and raiment, the Irish peasant was called upon to make for its support. When such were the acknowledged opinions of one of the most acute and learned prelates of the Irish church, he must be excused for entertaining doubts of the expected efficacy of the measure of conciliation, as it was called, now in progress, with persons professing to hold such sentiments. So that, with whatever qualifications this bill was accompanied, he hoped he should also be excused by his hon. friend, the member for Armagh, for confessing himself not to be converted by the new lights which had been shed upon the question. As to the incorporation of the Roman Catholic clergy with the state, he would fairly own that he objected to it, not because they believed in the doctrine of transubstantiation, but because he could not reconcile himself to the operation of that civil influence which he believed to attach to their religious system, and which held a sway over the temporal conduct of mankind. It was not of the religious, but of the civil tendency of the doctrines that he complained; and while he was ready to treat with charity and tenderness the private scruples of any man's conscience, he could not behold with complaisance such a branch of faith as that of Confession, which (and he avowed it with sorrow) tolerated one man's communication to another of his intention to commit a murder, but restrained that other from divulging the information to the intended victim.—A good deal had been very adroitly said by his right hon. friend, of the distinction between transubstantiation and consubstantiation, and of the manner in which the doctrine of absolution was maintained in other countries; but, there was a wide difference in this respect with what was taught the Catholics, and the impression made in consequence upon the minds of an ignorant and credulous peasantry, who were disallowed the privilege of reading the Scriptures, and forming a just judgment for themselves upon these doctrinal points. He could himself understand the distinction attempted to be drawn between the extent of the power of absolution supposed to be enjoyed by bishops, as

distinguished from that held by the priesthood; but did the ignorant peasant make all these nice calculations, and weigh them justly in a moral scale? Then, as to the doctrine of indulgences, and their natural influence upon the temporal conduct of the people, it afforded no satisfaction to him to hear Dr. Doyle describe the scale upon which such indulgences were estimated, their extension to seven years, beyond which they could not prevail, or their shorter quarantine of forty days; enough was it for him to know what must be their effect on the popular notion of the remission of the temporal punishment of sin. And these were the difficulties which met his view whenever he looked at the question.

But, he was asked whether he thought the law could remain upon its present footing? That was a question which he was not at the moment prepared to determine; at the same time that he begged always to be understood as ready to remedy every just ground of complaint which the Catholics might have against the administration of justice, and to remove every irritable cause of party excitement. It was this feeling which led him last year to express his difference of opinion from his hon. friend (Mr. Brownlow), who had then gloried in being an Orangeman, and with whom he was also under the necessity of differing as strongly now. He was most anxious to allay these differences, and to reform and relax the penal code, so far as was consistent with the stability of the Protestant establishment. He would make all reasonable concession to the Catholic, while he would maintain the Protestant character of the throne, the parliament, the church, and the judicial bench. Short of all these he was ready to concede; but more he could not relax. He strongly condemned that line of argument which went to impress the minds of the people with a persuasion, that the present policy of the law could not be supported, and which was calculated, in its result, to induce them to swell into demands, requests which were originally couched in terms of deference and respect. He could not approve of exciting the hopes of the people, as they had been excited with regard to this question, by appeals to abstract principles of civil right, and by attacks on the government; for it was always painful to have to retard the accomplishment of what many might think to be a general wish. If he were told that this was bigotry—if he were told that it was impossible to abstain from giving the Catholic religion the perfect toleration now sought—his answer was, that he was sorry for it; and that if such concessions as those now required were granted, he was apprehensive the time would not be very far distant, when other concessions of a very different nature would be demanded. That the great body of the Catholics would experience considerable dissatisfaction, should parliament reject their claims, he by no means doubted. But, to whom would that dissatisfaction be attributable? Not to himself, or to those hon. gentlemen who thought with him, and who had never encouraged the expectations of the Catholics, but, on the contrary, had witnessed the growth of those expectations with deep regret. The dissatisfaction would be owing to those who had excited extravagant hopes in the Catholic mind. Undoubtedly, the occurrence of any disappointment, on the part of so large and important a body of his majesty's subjects, must be to him a subject of painful contemplation; but he had the consolation to know, that he never concurred in the propriety of the doctrines maintained by the advocates of what was called Catholic Emancipation, and therefore could not be considered responsible for the consequences of those doctrines. His right hon. friend had always disclaimed any thing like negotiation with the Catholics, and had said he would legislate for them, not treat with them. But, what had been the course pursued during the last ten years? What was the history of the securities that were to accompany the relief to the Catholics? Did it not prove, that whatever might be said of the disposition to legislate for the Catholics and not to treat with them, concession was constantly made to the Catholics, and no concession to the Protestants? The first security that was offered was the Veto. Such a security existed in every Protestant state in Europe. And, was it not enough to excite surprise, to find in this Protestant kingdom (for so it was designated in the Bill of Rights) the Crown called upon to pay the professors of religion, in the appointment of whom it was denied any influence? But thus it was! and any attempt of the Protestants to legislate on the subject was termed bigotry. The Veto was abandoned; and, in 1821, his right hon. friend produced those securities which he, no doubt, thought adequate on the one hand and necessary on the other.

On looking for those securities now, however, they were nowhere to be found. They had been entirely done away with, and others substituted. The securities having thus grown

" Small by degrees, and beautifully less,"

were now become so exceedingly minute, that they could not well be reduced any further in size. They had sunk below zero, and had been almost too minute for calculation. So insignificant were they at present, that he implored his right hon. friend to leave them out of the bill altogether. They were told, indeed, that the question of securities could be properly considered only in the committee. On this point he would say, that if the great measure were once conceded, he would infinitely rather place all its details upon a principle of generous confidence, than fetter them with a jealous and ineffectual system of restriction. To establish a permanent Catholic commission coming in contact with the Crown, and for the purpose of advising the Crown; the Crown being notwithstanding compelled to make appointments which it might think liable to great objection, was to him no satisfactory provision. But then, there was to be a certificate of loyalty. Now, every body knew what loyalty meant in private conversation; but what did it mean by act of parliament? He did not know what loyalty meant by law, except that the individual to whom the term was applied was never convicted of a crime in a court of justice. When Dr. Doyle was asked if, in his opinion, the proposed provision for the Catholic clergy should be inalienable, he answered yes, while they comported themselves loyally and peaceably as became subjects; and when he was asked, whether by not comporting themselves loyally and in obedience to the laws, he did not mean their being convicted by some legal court of such conduct, he replied in the affirmative. Now, really, he could not conceive a more painful duty, than for the commission to certify to the Crown the loyalty of those whom they recommended. It was a delusion also to suppose that such an arrangement would diminish the dangerous character of the correspondence of the Catholic prelates with the see of Rome. His right hon. friend had observed, that that correspondence existed at present. True; but how different would be its character when it became sanctioned by act of parliament, instead of being carried on under the terror of severe laws which might be executed.

He would beg leave to say a single word with respect to one of the measures which were to accompany this Catholic Relief Bill, and which by many were considered as complete securities against the danger of that bill. He meant the measure for raising the qualification of the freeholders. On the first view of it, this certainly appeared an extraordinary project. He hoped it would not be acceded to without great consideration. He could assure the friends of Catholic concession, that he had no sinister intention of attacking one measure through the sides of another. On the contrary, he was desirous to consider each on its own grounds. But, while he willingly admitted the right of parliament to regulate any abuse that existed in the exercise of the elective franchise, he could not but look with considerable alarm at a proposition for disfranchising a large portion of his majesty's subjects. Whatever might be the moral effect of such a step, when he considered that the immense majority of the population of Ireland was Catholic, he felt some doubt whether, if the result of the proposed bill should be, as its advocates predicted it would be, greatly to increase the prosperity of Ireland, and therefore especially to enrich the Catholic body, the raising the qualification might not, in the course of twenty years, give a very undue preponderance to the Catholic interest. Mr. O'Connell, whose opinion on such a subject was deserving of great weight, thought that raising the qualification would add to Catholic influence. There were other important considerations connected with this proposed measure. He would not then pronounce decisively respecting it; but he could not deny that he had serious doubts whether it would be productive of the effects anticipated from it; and above all, whether it would afford any security to the Protestant interest.

With respect to the other measure for paying the Catholic clergy, there were also grounds, and those not of a financial nature, which would render him indisposed to agree to it. He was not prepared, therefore, to admit the alleged securities which these two supplementary measures contained. The securities in the bill under con-

sideration he must entirely reject. If he once admitted the claims of the Catholic, on the ground that his religious opinions ought to form no disqualification, he would not insult him by making him take an oath, abjuring the belief that faith might not be kept with heretics. On these grounds he should steadily adhere to the course he had hitherto pursued on this subject; namely, that of deeming all securities insufficient by which Catholic influence was not excluded from the councils of the state, and from the legislature. When he compared the conduct now pursuing by this Protestant parliament, in taking into consideration the expediency of further concessions to the Catholics, with the conduct of the Catholic parliament of a neighbouring country, by which a law had been passed for punishing with the penalty of death those who committed what was called sacrilege, he must say, that he saw in that comparison an additional reason for proceeding no further. He could never consent to any measure which diminished the security of our Protestant establishment, and thereby threatened the foundations of civil and religious liberty.

On a division, the motion was carried by 268 against 241; majority 27; and the bill was read a second time.

## ELECTIVE FRANCHISE IN IRELAND BILL.

APRIL 26, 1825.

In the debate on Mr. Littleton's motion for the second reading of this Bill,—

MR. SECRETARY PERL said that, after the excitement raised by what had fallen from the hon. and learned gentleman opposite (Mr. Brougham) and his right hon. and learned friend (Mr. Plunkett), he regretted that he could not hope to attract the attention of the House, as he intended to confine himself to the merits of the bill before them, without reference to any other question. Taking a view of it upon its abstract merits, and without looking at it as contingent upon another bill, which he also disapproved, his observations would be very brief. His right hon. and learned friend seemed to think, that there was some inconsistency between the opinions he expressed in 1817, and those which he delivered on Friday last. Now, there was, he would contend, none. In 1817, he had argued that the bill of 1793 gave no substantial power to the Catholics, though he admitted that what they then obtained was properly given; for, as Mr. Burke had justly said, there was a vast difference between the exercise of the elective franchise, and the admission to office. To this point alone had his observations in 1817 extended. He was ready to admit to his right hon. and learned friend, that there did exist great abuses in the present mode of exercising the elective franchise in Ireland; in the mode of creating fictitious freeholds; and in swearing to freeholds which did not exist; and he was prepared to consider any measure for the purpose of applying a remedy to the evil. But, in looking to the measure proposed, he doubted whether it would have any such effect; or rather he was convinced, that, as a remedy, it would be most injudiciously and unjustly applied. He concurred in what had been said by the hon. and learned gentleman opposite, that it would be most precipitate to make such a change without having full information on so important a subject. He did not mean to assert, that if inquiry were gone into, and it could be proved that the passing of this bill would strengthen the Protestant interest in Ireland, he would still continue opposed to it; but, under any circumstances, he should have great hesitation in supporting any measure which would make a change in the elective franchise as it now stood. On this principle he had opposed all the motions for reform which had been submitted to that House. He had opposed the bill for altering the present system of the elective franchise in Scotland, and increasing the number of voters; and he had now great doubts of the justice or expediency of any measure for diminishing the number of voters in Ireland. Let the House consider what would be the effect of this measure. He held in his hand a return of the number of freeholds which had been registered in Ireland for years back. He did not mean to say that this furnished a correct list of the number of persons now entitled to vote from freeholds, for, no doubt, many of the persons who had registered within the time specified were dead. But, the contents of the returns would afford a sufficient illustration of



his argument. The list contained an account of the number of 40s., £20, and £50 freeholds registered in Ireland within the last eight years. From it it appeared, that since the year 1818 the number of 40s. freeholds registered in the county of Tyrone was 13,000, and the number of freeholds of £20 and upwards, registered within the same time, was only 273. Now, he thought it was a hard thing to say, that this immense number should be deprived of the elective franchise without any investigation. His hon. friend who brought in this bill had said, that he would not raise the qualification from 40s. only to £5, because it would increase the evil. Was not that in itself an argument for inquiry? It was contended, that the object of the bill was, to assimilate the practice in Ireland to that in England. The bill could do no such thing. It went only to oblige the freeholder to swear to £10 instead of 40s.; but, if so much abuse already existed by persons swearing to 40s. freeholds which they did not possess, what security did this bill afford against parties swearing to a higher amount? What guarantee did it afford against perjury in the one case more than in the other? It was said, that the voter would be obliged to take the oath mentioned in the schedule of the bill; but, on looking at the schedule, he found not a word was said about any such oath. Let the hon. member look at his own bill, and he will find that it contained no such oath. But, even if it had, it could afford no greater security than was afforded by the law as it now stood. It was possible that that oath was left for the decision of the committee. He contended that the House should have some information, in its present stage, in order to form a correct judgment of the whole bearings of the present bill.—He would now examine how far the measure would affect the Protestant interest in Ireland. Mr. O'Connell had stated in his evidence, that this bill would have the effect of lessening the power of the aristocracy, and of increasing the influence of the Roman Catholics. Did this show that the Protestant interest would be benefited by it? In looking at the returns to which he had before alluded, he found that the greatest number of 40s. freeholders (the extent of which had been ascribed as a cause of the great discontent and disturbances in many parts of that country) was in the north. In the county of Kilkenny there were registered, since 1795, 3760 40s. freeholds, and they sent two catholic members to parliament. [a laugh.] By Catholic members he meant members who supported the Catholic question. In the county of Fermanagh, he found the number of 40s. freeholds registered in the same period to be 26,900, and that county sent two members to parliament who invariably voted against the Catholics. Now, when he compared these facts, he must have something stronger than the arguments he had that night heard, to make him believe that the 40s. freeholders were a cause of distress or disturbance, or that the disfranchising them would be an advantage to the Protestant interest. If these freeholders were, for the greater part, Catholics, it would only show that they acted under the influence of property—an influence which had its weight in this country, as well as in Ireland. But, if they were Protestants, the House ought to pause and inquire, before they disfranchised them. In the county of Waterford, in which there existed, for a time, the greatest distress and dissatisfaction, the number of 40s. freeholders registered since 1793 was 7000; while in the county of Antrim, which consisted, for the greater part, of Protestants, the number registered in the same time was 29,500. Now, he put it to the House, that if these were Catholics, and consented to return Protestant members, or members opposing the Catholic question, there could be no danger to the Protestant establishment in allowing them to retain the elective franchise; but, if they were Protestants, he would ask what boon was held out to them for the privilege of which they were thus deprived? [cheers.] It was said that this bill, concurrently with the Catholic Relief Bill, would raise the Catholic from the state of degradation in which he was now placed. Admitting that argument to go for what it was worth, it might be an answer to the Catholic for the loss of his franchise; but what answer would it be to the Protestant for the sacrifice of his constitutional privilege, which he had never abused? [hear.] In the eight counties of Ulster, the most flourishing part of Ireland, he was informed, for he had not the returns before him, that the number of 40s. freeholds registered within the last eight years was 190,000, while in fourteen counties in the south of Ireland, where so much distress and disturbance had existed, the number did not exceed 168,000. Were not these grave subjects for consideration, before the House proceeded any further with a measure, which was

to disfranchise so extensive a portion of the people of Ireland?—He would now beg the House to consider what the effects of this measure would be. Was it desirable, he would ask, to hold out a bonus to the multiplication of £10 freeholds? Would it give Ireland such a yeomanry as its friends would wish to see established in it? It appeared to him, that the abolition of the 40s. cottiers would not produce any beneficial political effect, and that the multiplication of £10 freeholders would only increase the number of miserable farmers. The argument of his hon. friend, the member for Louth, appeared to him to carry considerable weight with it. When they were introducing a great political innovation, they ought not to argue from the state of things existing at present, but from the state of things which would exist when the change had taken place. Now, he would ask whether there would not be the same noxious effect produced by the fee-simple tenure as by the 40s. tenure? Was there any thing in the present bill to prevent a man from erecting a number of houses, and from conveying them in fee-simple to the freeholders? Was there any thing to prevent him from saying to them, “I will give you a house on a certain tenure, but I will attach to it a quantity of land or of bog, which you shall hold on an uncertain tenure, so that whenever an election comes, I may have a hold upon you for your vote?” He had looked at the bill with considerable attention, and he must confess that, after all his pains, he could not find in it any security against such a practice. He contended that the bill was not calculated to strengthen the Protestant interest, or to assimilate the freehold tenures in Ireland to the freehold tenures in England, or to remedy any of the evils which Mr. O’Connell had described as arising out of the present system of 40s. freeholds. He maintained that at present the House had not sufficiently inquired into the subject, and implored it to weigh the arguments which had been urged against it, instead of passing it precipitately, without examination. This bill, it ought to be recollected, was contingent upon the passing of the great bill which was to emancipate the Catholics. It was only to take effect under the new circumstances which were to arise in consequence of the passing of that bill, when there was to be an oblivion of all discords in Ireland, and when all classes of his majesty’s subjects were to be knitted together in peace and amity. If such a result should arise from that measure, the necessity of disfranchising the 40s. freeholders would be gone for ever; and if it did not, this bill would not be any security for the Protestant interest, inasmuch as its effects would not be immediate, but prospective. He knew that he was not taking that side of the argument which was likely to facilitate his own views on the Catholic subject; but he was pursuing that line of conduct which was dictated to him by a sense of public duty. He was unwilling to deprive the lower classes of Ireland of a privilege which, when it was first granted to them, Mr. Burke had described as of inestimable value; and above all, he was reluctant to begin his career as a parliamentary reformer by disfranchising, almost without examination, a large portion of the electors of that kingdom. Under these circumstances, he should oppose the bill, being convinced that members were not at present in possession of information which would justify them in giving to it their support.

On a division, the motion for the second reading was carried by 233 against 185; majority, 48; and the bill was read a second time accordingly.

## ROMAN CATHOLIC CLERGY OF IRELAND.

APRIL 29, 1825.

Lord Francis Leveson Gower moved, as a Resolution, “That it is expedient that a provision should be made by law towards the maintenance of the Secular Roman Catholic Clergy, exercising religious functions in Ireland.”

In the debate which followed,—

MR. SECRETARY PEEL said, he had imagined that all parties would agree in treating the present measure as totally distinct from the proposition for removing Catholic disabilities; and he, therefore, regretted that any attempt had been made to connect or couple the two questions together. What he should say on the subject would be extremely short. It was proposed, without—as he thought—any explanation, for

the House broadly to declare, that it was expedient to provide by law for the future maintenance of the secular Roman Catholic clergy. We were to pay £250,000 a-year to the Catholic priesthood, and were to have no power in the nomination of them. They were to receive that large amount of money from the government, but to be in all respects independent of it, and free from its control. He by no means wished to have the control to which he alluded. He did not say that it was at all desirable that the Crown should have so much additional patronage; all he wanted was, to show what would really be the effect of the measure. Looking at such a grant only constitutionally, and apart from any theological consideration altogether, it was at least one upon which it behoved the House to pause for information. It was said that the Presbyterian body in the north of Ireland stood exactly in the same situation in which it was now proposed to place the Catholics. He denied the parity of the cases; and that very argument was one upon which he founded considerable complaint. There was evidence before the committee above stairs as to that particular point—evidence which he desired to quote, but which he found had not been printed. The moderator of the synod of Ulster had distinctly stated the nature of the connexion between the Presbytery of the north of Ireland and the government; and his declaration came in fact to this—that there was scarcely any difference between the Presbyterian system and that of the Established Church. Certainly, if the measure before the House did pass, he should so far agree with the hon. member who had lately spoken, that, without any delay for consideration, he should say, the thirty-nine articles ought to be got rid of; for, surely, after passing such a measure, no man could ever again be called upon to subscribe to them. The hon. gentlemen opposite smiled. He understood what was meant. It was intended to quote what we had already done with respect to the college of Maynooth. But surely the cases were widely different. We objected to the education of the Irish Catholic priests abroad, and therefore we founded a seminary for them at home. But surely this was not like providing £1000 a-year for every Catholic bishop; £1500 a-year for their archbishops; and an income for every clergyman, of whatever degree. One effect of such a course, as it appeared to him, would be directly to create a rivalry for influence between the secular clergy of Ireland and the regular clergy. The first, being paid by government, might be doubted by the people; the last would then step in to interfere in their duties; and the contest would necessarily be as to which party should evince the most zeal for every circumstance, of whatever character, connected with the Catholic faith. He doubted, too, how far it would be possible for the House to make such an arrangement as that contemplated without a communication with the pope. If the archbishops and bishops were to receive a large salary, government might probably think some alteration in the oath they took advisable; and Dr. Doyle, though he was of opinion that this might be done, thought it could not be done without an application to the see of Rome. Surely, if we were to pay the Catholic bishops of Ireland £1000 a-year, it was too much that the pope should have the nomination of them. At least, there ought to be some stipulation, that he should institute the person recommended to him from Ireland. At present there was nothing to hinder the pope from nominating a foreigner; and no nomination but his could have any force or value in Ireland. He did not mention these circumstances as insuperable objections to the measure; but why, he asked, was it necessary to press it at that moment? As soon as this measure was passed, if parliament should agree to it, the claims of the Dissenters would be altered, and become much stronger than they were at present. Let it be recollected, that we had made no provision for the Episcopalian clergy of Scotland; and not having done so, he could not see why we should commence our provision for any other church by giving a stipend to the Catholic clergy. What would be the situation of the Dissenters, if this bill passed? They would see the Protestant Established Church provided for by tithes, and the Catholic clergy by taxes, to both of which they, the Dissenters, were obliged to contribute; while, at the same time, no provision was made for them. Such a measure as the present would, he contended, be contrary to the spirit of the Revolution. It would be in direct hostility to that spirit to select any religion distinct from the Protestant church as established by law, for a permanent provision and establishment. He would not object to this principle, if the House had agreed to remove all the disabilities of the Catholics; but that measure had not been adopted.

The House were now engaged in an inquiry, the whole of the evidence on which had not yet been printed; and considering the want of sufficient information on the subject, he thought it would be premature to press it; and he had no doubt that if so pressed, honourable members would have reason to repent their precipitancy.

The motion was agreed to, on a division, by 205 against 162; majority, 43.

## ROMAN CATHOLIC RELIEF BILL.

MAY 6, 1825.

In the discussion which arose on Mr. Brougham's motion, that the House should resolve itself into a Committee of the whole House on the Roman Catholic Relief Bill,—

MR. SECRETARY PEEL said, that the general impression amongst members certainly was, that the sense of the House would not be taken on the measure in its present stage. He had himself tended to create that impression, by stating that he would take the sense of the House on the third reading. He was, therefore, unwilling that anything should be done in contravention of what appeared to be the general understanding. He had heard with satisfaction that it was not the intention of the gallant general, nor of the hon. member for Somersetshire, to divide the House at that stage, because such a proceeding would be unfair towards those honourable members who were absent, under the idea that the bill would pass through the committee as a matter of course. It was hardly necessary for him to state, that he acquiesced in the proposition that the Speaker should leave the chair, only because he should have another opportunity of taking the sense of the House on the question. On the motion for the third reading of the bill, when the measure would be before them in its perfect shape, he would take the opportunity of performing his promise of dividing the House. On that occasion he should have very little to add to what he had before stated on the subject. He should, however, feel it his duty to enter his decided protest against the measure. He was certainly in a minority on the question; but he could not carry his deference for the opinion of the majority so far as to acquiesce in the measure. He should further state, that his objections to the bill now under consideration, so far from being weakened, were strengthened by the vote to which the House had come on a former night, and by which they were pledged to make a provision for the Roman Catholic clergy. At present, he hoped that no member would consider it necessary to take the sense of the House on the question of going into a committee.

The House having resolved itself into a committee,—

Mr. Peel observed that, in 1821, when a bill similar to that now before the House was under discussion, various propositions were submitted to the House—some for the purpose of restricting the offices to which Catholics should be admitted, and others for continuing their exclusion from parliament, and the governments of the colonies. He rose for the purpose of stating, that it was not his intention to submit any propositions of that kind to the committee on the present occasion, the sense of parliament having been fairly declared on those points.

Later in the evening, Mr. Peel said that, as the authority of Bishop Horsley had been referred to in the course of the debate, he could wish hon. gentlemen would refer to the rev. bishop's speech for the arguments contained in it. The rev. prelate drew a distinction between the different authorities exercised by the pope of Rome, which well deserved the attention of the House. He admitted the pope was bishop of Rome, and that he had liberty to confer degrees within his own jurisdiction; but he denied that the pope had any liberty to do so in this country; and upon that principle refused to remove the disabilities under which the Roman Catholics laboured. He would only say a few words on the provisions which this clause introduced into the bill. He declared, with the utmost candour, that it would be a great satisfaction to his mind, if the hon. and learned gentleman would leave these provisions entirely out of the bill. He made that declaration, not with any sinister intention of thereby defeating the bill, but from a full conviction that such provisions

were worse than nugatory. No objection which he felt to the removal of the Catholic disabilities would be removed by the existence of such securities. They were very different from those which had formerly been proposed by his right hon. friend, the Secretary of State for Foreign Affairs; and, such as they were, they were disclaimed by the hon. and learned gentleman opposite, who said that they did not come from him, but were framed out of pure deference to the scruples of those gentlemen with whom he (Mr. Peel) had the honour of acting. It was remarked by the fabulist, that

"The child, whom many fathers share,  
But seldom boasts a father's care;"

and the remark seemed verified in the present instance. This clause appeared to have no legitimate father. The hon. and learned member disclaimed the securities it contained; and he was ready to follow his example. They were not required, the hon. and learned gentleman said, by the Catholics; and he would add, that they were not at all wanted by the Protestants. If any gentleman would get up and say that these securities would be effectual securities to the Protestant church in Ireland, he would waive the objection which he felt to them; but if no person should support them, he hoped the hon. and learned gentleman would consider whether the bill would not be better calculated to conciliate the people of Ireland without these securities, than with them. He objected to them on this ground—that they imposed on the Crown an obligation to appoint two permanent commissions, composed exclusively of ecclesiastics. Besides, they provided that if the bull, dispensation, or other document received from Rome, were of an innocent nature, it should be sent to the parties to whom it was directed, but did not provide for what was to be done with it, in case it should appear to be of a dangerous description. There was likewise no penalty attached to any bishop who should exercise episcopal functions, without having received such a certificate as was mentioned in the present clause. Add to this, that no commissioner would like to impeach of disloyalty a man who had not been convicted of some disloyal act. There was nothing more vague than the ideas attached to the words loyal and disloyal; and he should therefore wish to know what construction the hon. and learned gentleman intended to put upon them.

MAY 10, 1825.

In the debate on the motion for the third reading of the Roman Catholic Relief Bill,—

MR. SECRETARY PEEL said, he intended to address but a very few words to the House on this occasion. He was sure the House would, in the first place, allow him to advert to something which had fallen, in the course of the debate on Friday last, from the hon. and learned member for Winchelsea. They would allow him to do so, out of regard to the situation and the feelings of the writer of a letter which he held in his hand. It came from the widow of the late Dr. O'Byrne, the bishop of Meath, whose name had been alluded to particularly on Friday night. That lady desired him to state distinctly, in answer to the observations in question, that the bishop, her late husband, never was an ordained priest of the church of Rome. He had been brought up as a Roman Catholic, and so continued until he was about 20 years of age; when, seeing reason to enter the Protestant church, he went to Cambridge. At that university, Dr. Watson was his tutor; and he was ordained, for the first time, a deacon of the Protestant Established Church, and some little time subsequently, a minister of the Church of England.—Having set this matter right, he would proceed to observe, that he felt satisfied that he had already offered every opposition to this measure which he could offer, consistently with the principles on which his objections to it were founded. It seemed, therefore, useless for him to detain the House on the present occasion; nor did he think it necessary to do so, with the view of bringing forward any novelties on this subject, which, on the contrary, he was unable to find. His opinions on this most momentous subject were already on record; and it would be trifling with that indulgence which the House had shown towards him on other occasions, if he were merely to repeat now what he had so often advanced to them before. He merely wished to take that opportunity of re-stating that the opinions he had formerly held on this question remained unal-

tered. Those opinions were not precisely in conformity with some that had fallen from gentlemen who were hostile, like himself, to the general question of Catholic emancipation; for he could not concur with those who thought that no further concessions whatever ought to be made to the Catholics, seeing that he had decidedly and distinctly declared his conviction, that in all respects the Roman Catholics of England should be put on the same footing as those of Ireland—an opinion that he had avowed, by the support which he had given to a bill introduced by a noble lord on the other side, during the last session. But he was still of his former opinion, that it was for the permanent interest of this country that the legislature and the chief executive offices of the state should be confined, as they were at present confined by law, to those who protested against the doctrine of the Church of Rome. Indeed, when he saw in what manner religion, and a desire to support and advance that religion, had influenced all the civil contests that had taken place in this country—how intimately religious feeling had been connected with all the great feuds recorded in our history and that of Scotland and Ireland—how mainly it had influenced the two great events of the Reformation and the Revolution, he could not but feel sensibly that religion and a desire to promote it would always be a great operating cause of similar conduct. Again, when he looked at the numbers of the Roman Catholics, and at the circumstances under which the transfer of church property, from their to Protestant hands, took place at the Revolution, he could not feel satisfied or convinced that it was either wise or expedient to remove those barriers which he thought much better calculated to protect the Protestant ascendancy in this country, than those ecclesiastical securities which it was now proposed to substitute in their stead. In one sense he certainly did think that these bills were inconsistent with the constitution; but, in regard to the measure now before the House, he did not rely on that objection alone. In the other proposed bills, the clauses went to violate those relations which the constitution had established between the church and state, and the rules by which they were reciprocally governed and regulated. His hon. and learned friend (Mr. H. Twiss) had read to the House that evening an able lecture on the constitution; but really he wished that his hon. and learned friend would refer to other records, and other authorities that he had overlooked. His hon. and learned friend, in the very outset of his speech, declared that he intended to prove that the exclusion of the Roman Catholics first passed into a law under the 30th of Charles II.—an Act passed, undoubtedly, at a time when the country was in a state of great ferment; that such exclusion entirely reposed on that statute originally, and on the penal statutes subsequently enacted in furtherance of the same object. But here he entirely differed from his hon. and learned friend; because he would contend, that the exclusion of the Roman Catholics was quite coeval with the Reformation. He begged to refer to the 5th of Elizabeth, where it would be found that every knight, burgess, and citizen, before he could sit in that House, was obliged to take a certain oath, which, if his hon. and learned friend would be content to administer, instead of the test or abjuration oath, he (Mr. Peel) would be quite satisfied. His hon. and learned friend had also pointed out an Act which was passed in the reign of Edward VI.; and had quoted the preamble, the language of which he considered to be very beautiful and impressive, and which was to this effect:—"But, as in tempest or storm one coarse vest is convenient; in better or milder weather a lighter and more liberal garment, both may and ought to be used," &c. Now, he (Mr. Peel) being anxious to ascertain what was the "light and liberal garment" used in the reign of Edward VI., in respect of these matters, had found, on perusing the Act, the preamble of which appeared so beautiful and impressive to his hon. and learned friend, that it was one under which, for the very speech that his hon. and learned friend had that very night delivered, he would have been put to death. "If any person shall by any writing, word, deed, or act, affirm, or set forth, or assert"—in short, should deny the king's supremacy—then, "he and all his aiders, abettors, and comforters"—(that would be the hon. and learned member for Wootton Bassett, and all the gentlemen disposed to support him), "should incur and suffer the penalty of death," &c. [hear]. "A light and liberal" vest, truly, his hon. and learned friend had selected for his purpose. He could only say, that he required no such laws, on this subject, as those of Edward VI. His apprehensions of danger from the removal in any degree of the existing barriers

against the Roman Catholic religion and influence, were in no degree weakened by the vote to which the House had come, that it was "fit and expedient" to make provision for the Roman Catholic clergy. It was singular that his right hon. friend (Mr. Huskisson) should object to remove, as he said, the provision in question from the control of parliament, as in the case of some bodies of Dissenters; because, if so, why had his right hon. friend concurred in the vote of its being "fit and expedient to make provision by law," and in so far, a provision not under the immediate control of parliament; for what else did his right hon. friend understand by "a provision by law?" He must in this place strongly contend, that if ever there were a question which ought to be reserved for the executive to deal with, it was the relation in which the Roman Catholic clergy should stand with the government? As to the establishment of that clergy, he had certainly heard two propositions asserted in that House: of which one regarded a scale of allowances, such as £1500 a-year for an archbishop, £1000 a-year for a bishop, £200 a-year for a priest, &c. The other was in effect this—that the funds for the payment of these allowances were not to be taken out of the produce of the taxes, but out of the resources of the church. Neither of these propositions or explanations was calculated to remove his objections to the proposed provision; though he would not say that it might not be necessary hereafter to consider of the propriety of making some sort of provision for this class of persons. The evidence of Dr. Doyle went clearly to express an unhesitating opinion, that let the pope state whatever he would in regard to the doctrine of the Church of Ireland, no member of the Roman Catholic Church in that country would allow the slightest interference, on the part of the Crown, in the regulation of their religion or its clergy. On this account, again, he was of opinion, that the vote of the other night was a most important one; and subsequent reflection had justified to his own mind the advice which he had ventured to give the House on that occasion, namely, that they should pause before they agreed to such a vote. Without at all disguising from himself the difficulty of the two only alternatives which they were told the House had to choose between on the present occasion, he thought there was yet another plan to be proposed, which ought, at least, to give no dissatisfaction to the parties it applied to. If the legislature and the chief executive offices in the Protestant government, as settled by the Bill of Rights, were left solely to Protestant representation, and all others opened to the Roman Catholics, he could not see that the latter would have a right to complain of such an arrangement as one of injustice to them, or of degradation; nor did he believe that it would lead to any of those invidious distinctions, which he admitted had existence in Ireland, or those irritating processions that could not be enough condemned. That the parliament were on this great measure placed in a situation of great difficulty, he did not at all deny; but that difficulty was in no slight degree attributable to the course which had been hitherto taken in that House on the subject, and by which the hopes of the Roman Catholics must necessarily have been raised very highly. Believing, as he did, that these exceptions and this exclusion ought still to be continued, and the conviction of his mind remaining still unaltered by any of the arguments he had heard, he felt it to be his duty to that conviction, and to the Crown of which he was a minister, to persevere in the course he had adopted, however painful he might feel it to be to differ on this occasion from so many honourable friends of his with whom he usually acted. He had, at least, not been instrumental in exciting or encouraging any false hopes in the minds of the Roman Catholics; and he therefore (perhaps for the last time) should now, by his vote, attest his uncompromising opposition to this bill, which proposed to grant them all that they claimed. [Hear.]

The bill was read a third time, and passed. On a division, the numbers were: ayes, 248; noes, 227, majority, 21.

## SALARIES OF THE JUDGES.

MAY 16, 1825.

In a Committee of the whole House for regulating the Salaries of the Judges, the Chancellor of the Exchequer moved a Resolution (involving a variety of proposed alterations) for the increase of those salaries.

In the debate which ensued,—

MR. SECRETARY PEEL said, that the committee must feel indebted to the hon. and learned member for Ilchester (Mr. J. Williams) for the very able though concise speech which he had made in support of the present measure. An hon. and learned gentleman opposite had said, that the most important part of this resolution was that which related to the situation of the puisne judges. At present, the clear amount of their emoluments did not exceed £3200 a-year; and the consequence was, as the hon. and learned gentleman had stated it, that during the last twenty-five years no judge had been appointed to the office until he had turned sixty years of age. Was not that circumstance, if it were correct, conclusive proof that there was something faulty in the present system? and was it not also a strong ground for conjecturing, that if the proposition now before the committee were adopted, the country would soon acquire the services of judges with those "*latera et vires*" which the hon. and learned member for Lincoln deemed so necessary to the just performance of their duties? The committee might depend upon it, that if a suitable remuneration were offered, there would be no difficulty in procuring the services of men of talent, whilst they were yet in the prime of life and in the full vigour of their understanding. It had been said, in the course of the debate, that the salaries of the judges were so inadequate to their support, that no man could undertake the office who had not previously amassed a considerable fortune. Now, he protested against the principle contained in that position. He maintained, that the salaries of the judges ought in themselves to be adequate to support the dignity of their station, and that it should not be compulsory upon them to defray part of their necessary expenditure out of the fortunes which they had previously acquired. Let the salary be fixed at £5000, at £6000, at £7000, or at any other sum which the committee might deem sufficient for the maintenance of their dignity; but, let it not be said, that a man must possess £60,000 before he is qualified to sit on the judicial bench. The hon. and learned member for Lincoln had complained, that this resolution was not accompanied by any details of proposed improvements. The hon. and learned gentleman ought to have known, that as the House was in a committee for a pecuniary grant, the present was not the fit opportunity for entering into a detailed statement of any projected improvements. Though his right hon. friend had not entered into any such statement, he was sure the committee would see, that the carrying this resolution into effect would give the executive government great facility in making any such improvements, if they should hereafter be deemed necessary. At present, it was impossible to reduce the fees of several of the officers of the different courts. They had given a pecuniary consideration for their offices, and the fees therefore could not be reduced without inflicting a serious injury upon the holders of them. If, however, it should seem good to the committee that those fees should be received by the public, then those who now received them might receive a remuneration in lieu of them; and when that was done, the amount of those fees might easily be regulated. He agreed with the hon. and learned member for Ilchester, that the future amount of those fees ought to be proportionable to the service performed. Certainly, if the purposes of justice would be promoted by the reduction of them, they ought to be reduced without delay; and one advantage of this resolution would be, that it would enable the government to make that reduction. The hon. and learned member for Ilchester had mentioned another circumstance, which was a strong argument in favour of the present measure. He had stated, that in seven or eight successive instances, puisne judges had been promoted to the chief justiceships of their respective courts. Might not that circumstance arise from the inadequate remuneration which those learned personages received? Might it not originate, nay, had it not originated, from individuals of great practice at the bar, refusing to give up their emoluments for those belonging to the



judge? He assured the committee that the circumstance to which the hon. and learned gentleman had called its attention had not arisen from any wish on the part of the government to exercise an undue influence over the judges, but from the reluctance of the leaders at the bar to undertake those offices with their present inadequate salaries. With regard to the remuneration to be afforded to the chief justices of the different courts, the hon. and learned member for Nottingham had said, that it should be measured by the loss which they sustained by the abolition of their fees. Now, in the case of an ordinary sinecure office, the principle of the hon. and learned member was fair and equitable enough; but, in the present case, it appeared to him to be totally inapplicable. In estimating the emoluments which ought to be enjoyed by the chief justice of the Court of King's Bench, the committee ought rather to consider the amount of salary which was adequate to the office, than the loss which the individual holding it was likely to sustain. The amount of emoluments, including fees, belonging to the chief justice of the King's-bench, was £9250 a-year. Now, the chief justice, by the present resolution, would not only lose the amount of the fees, but also the advantage of selling different offices in his court, as they respectively became vacant. It would be difficult to calculate the exact amount of that loss; and therefore it became necessary to fix, in an arbitrary manner, upon some determinate sum for his salary. He thought £10,000 was the lowest sum which the committee could fix; but if he were asked to demonstrate why that was the exact sum of all others to be fixed upon, he would own that he was incapable of doing it. He protested against the principle of making any distinction between the judges of the different courts. As they had all to administer criminal justice at the assizes, the difference in their salaries might lead to the general belief that there was a difference in their dignity; and that might give rise to a jealousy between counties, when they found a higher judge sent to one, and a lower judge to another. For his own part, he confessed that he looked with favour upon some of the propositions of the hon. and learned member for Ilchester, particularly upon that of throwing open the Court of Exchequer to all attorneys. Whether it would be equally right to throw open the court of Common Pleas to all the rank and file of the profession, he would not at that moment pretend to determine. It was a question of some importance, and required greater consideration than he had yet given it. The right hon. gentleman concluded by supporting the resolution.

The resolution was agreed to.

## JURIES' BILL.

MAY 20, 1825.

The order of the day having been read for going into a Committee on the Juries' Bill,—

MR. SECRETARY PEEL said, that before the House went into the committee, he wished briefly to re-state the principal objects of the Bill. The first object was, to consolidate the several statutes, about sixty in number, which were now in force, for regulating and determining the qualifications of jurors serving at Assizes. These, which were spread over the statute-book, it was proposed to bring into one Act, and also about twenty statutes on the subject of impanelling juries. Another object was, to extend very considerably the number of those who might be called upon to administer the law as jurors. A vast number who were not considered qualified as the law now stood, but who were really qualified by property, would be included. Thus all persons being leaseholders of property to the amount of £20 for 21 years, would be considered qualified to act as jurors, instead of confining the qualifications, as at present, to those who had a freehold of £5 a-year. Another object was, to remedy the inconvenience found in some cases, in which a challenge would hold good to the array, because there was not a knight among the number. This he thought a very useless, and it was often found a very inconvenient, enactment; he therefore proposed to repeal it. It was also intended to repeal that part of the present law which required, in many cases, that so many jurors should be returned from the same hundred. He thought that justice was more likely to be administered with strict

impartiality where men were chosen of different parts, than where they were selected from one particular district. But the most important feature of the bill would be the regulation with respect to special jurors. It would henceforth be required, that in all cases where the Crown was either a real or a nominal plaintiff, the special jurors should be selected by ballot. In all criminal proceedings tried by special juries, the same regulations would be observed; but in civil cases, where a consent in writing on both sides, (which written consent should be afterwards received as evidence of the agreement between the parties,) it would be allowed to select special juries in the same manner as at present; but in criminal cases, the appointment of special juries by ballot would be imperative. These, he considered, would be important public advantages arising from the bill; for it was of the utmost consequence that a feeling of perfect security and confidence in the trial by jury should be established in the country.

Mr. Scarlett having spoken complimentarily on the subject,—

Mr. Peel observed, that he felt great pleasure at the manner in which this measure had been received by the House. He had to acknowledge the cordiality with which it was met by honourable members on both sides, without any reference to party feelings. The alteration proposed would, he felt persuaded, be productive of good effects to the country. There were, besides those to which the bill related, other points connected with the administration of justice, which he thought would bear to be calmly inquired into; and with the encouragement he had already received, he hoped at no distant period to bring them under the consideration of parliament.

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## THE STATE OF IRELAND.

MAY 26, 1825.

Mr. Spring Rice moved, "That an humble address be presented to his majesty, that he will be graciously pleased to give directions that there be laid before this House copies or extracts of any letters or despatches which have been received from the Lord-lieutenant of Ireland, respecting the origin, nature, and effects, of religious animosities in that country, and the best means of allaying those animosities, with a view to the tranquillization and good government of Ireland, and the strength and security of the empire."

In the course of the debate which followed,—

MR. SECRETARY PEEL said, he entirely agreed with the hon. mover in deprecating every topic of exasperation, and every expression that could aggravate disappointment. So sensible was he of the force of this recommendation, that nothing which could be said, however provoking, should divert him from the course dictated by his sense of duty. If any thing could divert him from that course, it would be the observations of his hon. friend who had just sat down. His opinions upon the Catholic question, he had entertained ever since he had entered on public life; and in doing so, he had had the good fortune to concur with his hon. friend until within the last six weeks. His hon. friend now seemed to expect an apology from him, for continuing of the same opinion. His hon. friend thought it necessary to call upon him to explain why he, too, was not converted by the evidence of Dr. Doyle, telling him that the cause was hollow, that the ground was utterly untenable. Now, he admitted that if his hon. friend felt the ground untenable, that was a sufficient reason for his abandoning it. He admired his hon. friend's sincerity; and if he himself had felt the same motives, he would have followed the example of his hon. friend, and defied all attacks for so doing. But, he would beg to be allowed still to occupy ground which he did not feel untenable. He would beg to be allowed, with those who thought with him, to continue of the same mind, seeing that the same light had not broken in upon them which had broken in upon his hon. friend. About six weeks ago, his hon. friend had presented a petition from certain Orangemen, complaining of certain calumnies, and had expressed a determination to press the matter to inquiry. He had thereupon besought his hon. friend to forego his intentions, and not to provoke any unnecessary discussion. He had addressed his hon. friend as the chosen advocate of the Orange party in that House; and it was

certainly too much for his hon. friend to turn round and accuse him of a want of uniformity and of having no system. Wrong in his opinions he might be, but surely they were uniform and consistent. Of all persons, his hon. friend was the last who ought to bring the charge.—With regard to the question of Catholic emancipation, he never approached it without reluctance. He could safely affirm, that he had on no occasion stood forth to oppose the petitions of the Catholics without a feeling of deep regret at being obliged to resist the claims of so large a body of his fellow-subjects; for whom he entertained all those friendly sentiments that he felt for all classes of his majesty's subjects, but whose applications he conceived it to be his bounden duty to the constitution decidedly to oppose. Nor could there justly be made a charge of want of cordiality amongst the different members of the administration; and for the truth of this he would confidently appeal to his right hon. friend near him, the most powerful and eloquent supporter of the Catholic cause in the government. The difference of opinion on this question had not impeded any of the duties of government. His most earnest desire had ever been that the law should be impartially and indifferently administered between Catholic and Protestant. Let it be proved to him that in any case the contrary had happened, and he would be the first to propose that the injustice should be remedied. He thought that every favour which might be extended to the Roman Catholics ought to be extended in proportion to the respectability, rank, and opulence of the candidates for them. Into the discussion of the Catholic question, on which he had before troubled the House on many occasions, he did not at present mean to enter. He would only add, on that point, that whatever differences might subsist between him and some of his hon. colleagues on this question, he would not hesitate in other cases where no such differences existed, to give them his most cordial support. His hon. friend had referred pretty largely, but surely somewhat irregularly, to what had recently taken place in another House. It was hardly necessary for him to insist that this reference was by no means strictly in order. But the right hon. baronet opposite had gone further; for he had referred to the proceedings in committees of the other House. The right hon. baronet had even gone to the extent of pointing out what questions ought and what ought not to have been put in those committees to the witnesses. But how was it possible for the right hon. baronet to form a judgment as to the propriety of questions that were to be put to witnesses not before him—not before this House? It was really a very bad, as well as an inconvenient, practice, to allude in this manner to the proceedings of the other House.—But he would now come to the dry parliamentary question on the motion submitted by the hon. member for Limerick; namely, whether or not certain despatches supposed to exist—for his hon. friend had admitted that of the positive existence of such despatches he had no knowledge—should be laid on the table of that House? But he begged first to ask, before he alluded to any of those extensive questions which had that night been gone into, whether any parliamentary ground had been laid for the production of those papers? In the early part of the session a motion had been made for the suppression of the Catholic Association; and in a later period of it, a bill had been brought in for the relief of the Roman Catholics from their present disabilities. On the first of these occasions, notice of a motion was given by an hon. member for the production of communications which government might have received on the subject of the Catholic Association; but so little importance was attached to it, that upon the night on which the motion was to have come on, no House at all was made. The second question had been carried through the House without the same sort of motion for papers being renewed. Yet now, when both those questions had been discussed, the hon. gentleman moved for the production of papers that could only have been called for, he should have thought, on one of those preceding occasions—and of papers which he supposed only, but did not know, to exist. The hon. member called for their production—and for what purpose, now that both those questions had been disposed of for the present? Why, in order to convert the House of Lords! But in the alternative of such supposed papers never having existed at all, then he meant to propose a vote of censure upon the Lord-lieutenant, for having failed to transmit despatches of this character. Such parliamentary grounds he had never till now heard assigned for the production of any public papers. But what were the terms of the motion?

—"that all despatches relating to the origin, nature, and effects of religious animosities in that country be produced." There was no limitation, therefore, as to time or place. He must really ask his hon. friend to leave those who had the responsibility on their shoulders to judge, under such circumstances, whether the production of the papers intended by so extensive a motion would be productive of that good which he unquestionably contemplated. Of course, those papers might include all that the Lord-lieutenant had written to the government, relative to Orange lodges and Associations, that now, as he believed, existed no longer. He sincerely hoped they did not, and that he should never see the day when they were revived. If they were extinct, could any good follow from the production of papers that might tend to revive the unhappy feelings that had once been excited? Could not his hon. friend suppose that there might be very good reasons for the government's declining, at this juncture, to produce any communications that might so have passed between them and the Lord-lieutenant? Upon all these grounds, he doubted whether, if the House were in possession of all these despatches, his hon. friend could effect any good result by his motion. At the same time, he felt no sort of wish to conceal what the real opinions of the Lord-lieutenant were. Those opinions were already matters of record; and he should but deceive the House if he did not explicitly state, that the same sentiments which that noble lord had expressed in his speeches formerly, and latterly by proxy, were still warmly maintained and cherished by him. For the reasons he had already submitted, he found himself under the necessity of opposing the motion.

Yielding to the sense of the House, however, and expressing a hope that the Roman Catholic Relief Bill would be carried by a still larger majority next session, Mr. Spring Rice ultimately withdrew his motion.

#### PROVISION FOR THE DUCHESS OF KENT AND THE DUKE OF CUMBERLAND.

MAY 30, 1825.

The report of the committee on the King's message relating to this subject was brought up, and the resolution for granting £6000 a-year for the maintenance and education of the Princess Alexandrina Victoria of Kent, was agreed to. On the resolution for granting an annuity of £6000 to the Duke of Cumberland, for the education of Prince George Frederick Alexander Charles Ernest Augustus being read, it was opposed by Mr. Hume. In the debate which ensued,—

MR. SECRETARY PEEL said, that, however various the views were which had been taken by hon. members in the course of this debate, still he thought there was a universal feeling, that nothing could be more unpleasant than the allusions to which it had given rise. He should, therefore, in the very little he had to say on the subject, avoid any reference whatever to those topics. He could not concur with the hon. gentleman (Mr. Gurney), who regarded the resolution before the House as an attempt to redress an injustice which had formerly been done. The proposition came simply upon its own grounds; and so material a change had taken place, that the House could consistently agree to this, even though it were convinced that the grounds of its former refusal were correct. The way in which it had been put by an hon. and learned gentleman opposite was, he thought, a fair one. First, was this vote necessary; and secondly, what was the proper mode of making it secure? The hon. member for Montrose had said, that every man was bound to educate his own children. As applied to private life, this was quite true; but, in the case before the House, the interest it had in this child made its education a matter of national importance; and since we thought fit to take upon ourselves the burthen of that education, we had a right to require, if we saw reason, that it should be carried on in England. Something had been said as to the adequacy of the sum; and it was insinuated, that as the Duchess of Kent found her allowance of £12,000 per annum sufficient, that of the Duke of Cumberland, amounting to £18,000, was more than enough. But, he thought, when this came to be more coolly considered, it would be seen that the situation of a widow, leading a retired life, was very different from that of a prince

who had a wife and family to support, a station to keep up. It was asked why the Duke of Cumberland did not come home; but when the manner in which his name had been introduced into the discussions of that House in 1815 and 1818, and the allusions which had been then made (and which he believed were now regretted) to his royal highness's wife, were recollected, it would not be wondered at that he should choose to reside abroad. He repeated, that it was in every way proper that his royal highness's son should be educated in England; and the House ought to require some more valid security than the word of a minister for that purpose. To effect this, he thought the best way would be by some proviso to be inserted in the bill hereafter, to be founded on the resolution recording the sense of the House; and he had no hesitation in saying, that any such introduction should have his consent. For the words in which it should be expressed he was indifferent, provided that they did not imply that the Duke of Cumberland was not worthy to be intrusted with the education of his own son, but merely that it was thought expedient that one who might hereafter be the monarch of England should receive his education in that country, the destinies of which he might one day be called to rule over.

On a division, the grant was agreed to by 120 against 97; majority 23.

### DELAYS IN THE COURT OF CHANCERY.

MAY 31, 1825.

Mr. John Williams having presented certain petitions complaining of delays, and other grievances, to suitors in the Court of Chancery, and having entered at large into the subject, a long discussion ensued, in the course of which,—

MR. SECRETARY PEEL said, that after the very able manner in which this subject had been discussed, he would not have said a word upon the question but for the direct allusions which had been made to him in the course of the debate. In one part of the learned opener's speech he had directly adverted to him, as though he wished to impede or defeat the objects of an inquiry into the delays of Chancery. The learned gentleman had said, that the appointment of the commission was a mere parliamentary manoeuvre to stifle effective inquiry. This he positively denied. He wished for full and effective inquiry. He denied that any inference could be drawn unfavourable to full inquiry, from the nature of the commission. It was only on the preceding night that he had heard the commission which had been appointed to inquire into the Scotch judicature praised very highly. No commission ever gave greater satisfaction, it was said. But that commission was composed of lawyers, whom the learned gentleman thinks unfit to conduct such inquiries; and moreover, six members of that commission were judges of the court to be reformed. He certainly held the conscience of a lawyer in higher estimation than the learned gentleman who was so well qualified to judge of it, and he thought an honourable-minded man was better qualified for being a member of such a commission because he was a lawyer. It had been stated in the course of the debate, that a master in Chancery ought not to investigate accounts, because he was not an accountant; and yet it was stated in the same debate, that a lawyer was not fit to inquire into abuses in courts of law, because he was a lawyer. But what possible object could he be supposed to have, if not a full and candid examination of this subject? He would fairly own, that he had hoped, ere this, that the report of the commissioners appointed last session would have been made. He thought, too, that it would have been much better if they had determined to report in the first place on some isolated and specific branch of their inquiries, instead of waiting to prepare their general report upon the whole of the topics embraced by the commission; because it was quite evident, that any such general report on the Court of Chancery must of necessity be postponed for a considerable time. But when he considered that these commissioners had already sat seventy days; had examined forty-five witnesses; and had adopted the excellent rule of rejecting no witness who came forward voluntarily to tender his evidence, or to furnish information; and when he reflected that they had their own various avocations also to attend to, and knew that it was their intention to publish the whole of the evidence taken before them, and not merely their general report upon it, he could

not charge them with unnecessary delay. He would again ask, what possible object could he have in view but a full and perfect examination? What were the names which he found in this commission? There was the learned lord at the head of his majesty's law officers: could any thing like a toleration of unfairness or disingenuousness be dreaded from him? But, if the guarantee of his noble friend's integrity were insufficient to ensure the public confidence in this commission, would it not be confirmed by the names of the rest of his colleagues? Was there not the hon. and learned civilian (Dr. Lushington), whose speech of that evening had attested the manly independence of a mind that would not suffer any thing like evasion, or a want of faith, in any such inquiry as that which was the object of the commission? The language of his (Mr. Peel's) reference had, however, been complained of as going to justify the suspicions of the hon. and learned gentleman. But he must contend, that at the very least it was as comprehensive as that of the learned gentleman's reference, which latter was in these terms—"Inquiry into the delays and expenses of the Court of Chancery, and the causes thereof." The object of the commission of last session was thus stated, "Inquiry into the forms and process of a suit, from its first institution to its close." Why, these terms surely opened every detail connected with the system of Chancery proceedings, and the Chancery Court. Was this all, however? By no means; for the reference would be thus—"and whether any part of the present jurisdiction of the court can be removed." Now, with respect to what had been said about the present defective state of the law as to the transfer of real property, if he had referred any such extensive subject to that commission to report on, besides its more immediate inquiries, would he not have rendered himself liable to the charge of purposely doing so, with the view of withdrawing and diverting the commission's attention from the great objects of its labours? He wished not to be misunderstood. If the laws relating to the transfer of real property were as the learned gentleman stated, they ought to be amended. With the great wealth of this country, making the transfers of real property very frequent, it was a disgrace that our laws on this subject should be in so defective a condition. To reforms of this description no man was more a friend than himself; but, if he had proposed to add this to the commission, as an object for its inquiries, would he not have been liable, and justly liable, to the imputation of wishing to clog the inquiries into the Court of Chancery?—The learned gentleman had quoted Hudibras, to show the inveterate evils of the Court of Chancery; but, if they had previously lasted one hundred and fifty years, it was not surprising that a commission had not made more progress in remedying them in thirteen months.—Before he sat down, he wished to refer to a motion, of which notice had been given by an hon. baronet (Sir M. W. Ridley), for a commission to inquire into the best means of consolidating the laws. It was his own intention to persevere in his attempts to consolidate and amend our laws. He had, at the commencement of his labours, done that which appeared most urgent; namely, repealed all the laws inflicting the punishment of death, where it appeared not necessary. He thought the learned gentleman undervalued his labours; for he believed he had repealed nearly one hundred statutes—certainly more than eighty. He had given his best consideration to the subject, and he doubted whether the commission proposed by the hon. baronet would be the best means of accomplishing his object. He rather thought it would be better that parts of our criminal code should be taken up by individuals acquainted with the subject, and disposed to devote themselves to it; and who would digest the reform necessary to be introduced. If a commission were appointed, he was afraid of the difference of opinion which might ensue; and he thought, therefore, it would be better to leave the matter to well qualified individuals. He would quote, as examples of what he thought might be done, the laws of larceny and the laws relating to forgery, which he thought might be taken up by individuals, and consolidated. If the criminal law were proceeded with in this gradual way, he thought the whole of the laws relating to different subjects might be consolidated, and that our penal legislation might be consolidated into a complete code, worthy of this great and enlightened nation. He did not mean by this to do any thing more than throw out a suggestion to the hon. baronet, as to the propriety of postponing his motion. If he brought it forward, he should be ready to state his opinion more at length. He was convinced that great reforms might be made, and he was only anxious that the most effectual mode might be adopted.

## WRITS OF ERROR.

JUNE 7, 1825.

MR. SECRETARY PEEL rose to move for leave to bring in a bill for the purpose of placing obstructions in the way of parties suing out frivolous writs of error. Under the existing practice, it was open to parties against whom a judgment was obtained, to sue out a writ of error, in order to supersede the judgment, or to gain delay. It would be found that in the years 1817, 1818, and 1819, the number of writs of error sued out of the Court of King's Bench into the Exchequer chamber, amounted to 1197. Of these writs there were 158 on which no proceedings had been taken; there were 702 where the judgments were affirmed; and 336 where the proceedings were very soon abandoned. Moreover, of these 1197, there were only nine on which any argument was heard, and only one case where the judgment was reversed. The House would learn, with surprise, that a delay of twelve months was given to the administration of justice. This was a most monstrous evil. By the act of James I. a temporary obstruction was given to the practice, by making the parties who sued out these writs be bound in double recognizances to prosecute the same. It was his intention to adopt the same measure, and to apply it to all writs, from whatever court issuing.

Leave was given to bring in the bill.

## DELAYS IN THE COURT OF CHANCERY.

JUNE 7, 1825.

SIR F. BURDETT moved, "That an humble address be presented to his majesty, that he will be graciously pleased to give directions that there be laid before this House the evidence already taken by the commissioners for inquiring into the practice of the Court of Chancery."

MR. SECRETARY PEEL said, he would briefly state the reasons which induced him to oppose the proposition. He resisted it solely upon public grounds, and without the intervention of any personal feeling. He hoped that the time would come when the whole of the evidence taken by the commissioners might be laid upon the table; for a report of opinion merely, without accompanying testimony, would certainly not be satisfactory. If the inquiry could be concluded in the present month, it might be presented, but not printed until next session. He believed it was without precedent for the House to call upon the Crown to present evidence merely, unaccompanied by any explanation or report of opinion; and unless some strong ground were laid, he should consider it an unnecessary interference with the course of proceeding marked out by the Crown, and not yet completed. He contended that no public object could be gained by complying with the motion. If the evidence that had been taken could be laid upon the table, no public measure could be founded upon it this year. The commission had sat seventy days, and had examined forty-five witnesses; so that some time must elapse in copying out that evidence in a state to be presented to the House. When presented, it must be printed; and when printed, it could not be weighed and digested in a moment; so that the adoption, or even the proposition, of any measure founded upon it, was out of the question. He considered the inquiry as a most important one, and he utterly disclaimed any opposition founded on the mere purpose of preventing investigation. Indeed, it was his hope, that before long some efficacious remedy would be proposed for these delays; which, without attributing the slightest personal blame to any individual, he could not but confess, as an honest man, was highly necessary [hear, hear!]. It was his belief, that the report of the commissioners would be produced very early, and that it would prove to be ample in every particular of a case which centered within itself such immense importance. He had had very lately a communication with the noble and learned individual, who might, perhaps, be supposed to feel most interested in the question; and he could assure the House, that he found, on the part of the Lord Chancellor, no objection to any inquiry; and he had every reason to expect, from all

that had been said, that a very full report, together with the evidence, would be presented before parliament could meet again. He hoped he had succeeded in satisfying the hon. member for Westminster, that it would, in the present instance, be better to wait to see what proceedings the commissioners had themselves instituted, and how much was already done; for even supposing the present motion were carried, it would be two or three weeks before the evidence could be printed; so that there would be no time left in the present session to undertake anything in; besides which, in his opinion, any such proceeding would be a virtual supersession of the commission already appointed; not that he had any objection to the House, or the public at large, seeing what had been done by the commissioners, but considering the importance of their exertions, and that in the seventy sittings that they had had every one who chose to give evidence was allowed to do so, tell how it would, he could not help thinking that, though there had been more delay than had been expected, the very best effects would be produced from their inquiries. On these grounds, and under the persuasion that the carrying the present motion would rather prejudice than forward the operations, he should give it his decided but reluctant opposition.

On a division, the motion was negatived by 154 against 73; majority, 81.

## ESTABLISHED CHURCH IN IRELAND.

JUNE 14, 1825.

After an introductory speech of considerable length, Mr. Hume moved, 1. "That the property now in the possession of the Established Church in Ireland is public property under the control of the legislature, and applicable to such purposes as in its wisdom it may deem beneficial to the best interests of religion and of the community at large, due regard being had to the rights of every person in the actual enjoyment of any part of that property." And 2. "That this House will, early in the next session of parliament, appoint a select committee for the purpose of considering the present state of the Irish Church, and the various charges to which ecclesiastical property is liable."

In the course of the discussion which followed,—

MR. SECRETARY PEEL said, that the hon. baronet (Sir Francis Burdett) had not shaken a single argument of his right hon. friend. The hon. baronet said, that the argument of his right hon. friend, founded upon the article of the Union, was not tenable, there being no mention made in it of tithes. But there were other subjects similarly omitted in special articles, which were, nevertheless, recognised in subsequent ones. The Act of Union settled the mode by which Ireland should be represented in the House of Peers, fixing the manner of their election, and specifying that four of the Irish prelates should sit there in rotation. The present constitution of the Irish church was thereby distinctly recognised; and he wished to remind the hon. baronet, that in the bill lately introduced by the hon. baronet himself, the Church of England and Ireland, as by law established, was declared inviolable. With regard to the number of bishops, the hon. mover proposed to double them up; and the manner in which he proposed to effect that operation was a curious one. There were twenty-four bishops and archbishops in Ireland, and the hon. member thought they ought to be "doubled up" to two. He considered two quite enough; but, feeling that he had to deal with a prejudiced House, he consented, in the excess of his liberality, to double them up to four. The hon. baronet admitted, that public property was equally sacred with private property; but then he declared, that he was ready to support the motion, considering it perfectly harmless, as applied to private property. Now, had the hon. baronet read the resolution? With all the hon. baronet's liberality, he thought he had, at the same time, too much consideration for his own private property, to consent that it should come under the operation of the resolution before the House. That resolution began by stating, that "the property of the Church of Ireland is public property." The hon. baronet, he was sure, would not like that description to be applied to his private property; and, if the property of the church were to be treated in the same manner as private property,



(which the hon. baronet contended,) then he would call upon him to vote against the motion,

The first resolution was negatived without a division; and the second was negatived by 126 against 37; majority, 89.

### COMBINATION OF WORKMEN'S BILL.

JUNE 30, 1825.

On the motion for the passing of this Bill,—

MR. SECRETARY PEEL, in reply to some observations of Mr. Hume, denied that there had existed any disposition to bear hard upon that class of persons, which, in point of fact, formed the main strength of the community. They had a right to be protected, and to receive impartial justice. Ministers had never felt the slightest inclination to attend to the interests of the masters, and to neglect those of the workmen. He had never heard in the committee, or in the House, expressions regarding the combinations of the operative classes half so strong as some of those used by the hon. member for Aberdeen himself. They did him great credit, though they were not in exact conformity with his subsequent declaration. He alluded to a letter addressed to J. Allen, shipwright, of Dundee, dated the 26th March, 1825, and signed Joseph Hume, which contained the following sentence:—"I am quite certain, that if the operatives do not act with more temper, moderation, and prudence, than they are now doing, the legislature will be obliged to retrace its steps, and to adopt measures to check unreasonable proceedings and exorbitant demands, too often accompanied with violence." The legislature was not prepared to go so far as the hon. gentleman recommended in his letter: it did not propose to retrace its steps, but to trust to the workmen, in the hope that they would attend to the dictates of justice and their own interest, by abandoning those abominable combinations, which interfered essentially with the freedom and prosperity of trade.

The Bill was passed.

### BANK CHARTER AND PROMISSORY NOTES' ACTS.

FEBRUARY 13, 1826.

In an adjourned debate for going into a Committee on the Bank Charter and Promissory Notes' Acts,—

MR. SECRETARY PEEL said, that in immediately following the hon. gentleman (Mr. Alderman Heygate) who had just sat down, he would endeavour to take advantage of his precept, by confining himself as much as possible to the subject under the consideration of the House. He could not, however, forbear expressing some surprise that the gentleman who had uttered that precept had himself so far departed from it, as to introduce to the notice of the House a bill which he had formerly brought under its consideration; and that the hon. gentleman, in adverting to that bill, had dwelt rather upon the speech which introduced it, than upon the measure itself. He had spoken, however, in such flattering terms of that speech, that he could easily forgive the hon. member for having noticed it, irrelevant even as it was. He would not only obey the precept, but he would improve upon the practice of his great preceptor, by not saying one word of Queen Elizabeth, or upon any other of the variety of topics to which the hon. gentleman had adverted, and which seemed to give him so much pain. The hon. gentleman had chosen a wide field for discussion; but over that extensive field it was not his intention to follow him. Some part of his representations as to the distress of the country, and its commercial embarrassments, he regretted he was obliged to admit. The continuance of them, in a considerable degree, he admitted also; and further he regretted, that he could not accurately see the end of them. He might also commence his address, by expressing his entire conviction, that if the House would give effect to the measure of his right hon. friend, they would discover, that those causes, which had been alleged by some as

the operating causes of the present distress, were not in fact those to which that distress was properly attributable. He might further declare his entire conviction of the absolute necessity, on the part of the House, of turning their attention to the state of the currency of the country; and, notwithstanding what had already been observed on that subject—notwithstanding the doubts and predictions of some hon. gentlemen—he should not be deterred from exhorting the House immediately to turn its attention towards the subject of the currency. He would ask, with the utmost confidence, whether it were possible for any man, who looked at the facts and arguments already produced in the course of this discussion, to hesitate for a moment upon the question, whether he would permit the currency to remain in its present state? For a period now of nearly thirty years, had that currency stood upon an insecure and a defective basis; and, with every disposition to protect the interests of the country bankers, he must claim the right of examining with perfect freedom the different bearings of this important question. In doing so, he could not but express his astonishment at the feelings entertained by some gentlemen with regard to the expressions of his right hon. friend near him, and of his noble friend in another place. Those expressions were not, as seemed to be supposed, directed against the individuals concerned in country banking, but against the system itself—a system which was alone responsible for the evils that flowed from it, and which, therefore, justly deserved the language which had been applied to it. If his right hon. and noble friends, instead of saying generally, that the spirit of speculation was fostered and encouraged by the system of country banks, and the conduct of country bankers, had said, in so many words, that they hated them as scandalous, that they execrated them as abominable, then it must be admitted that the phrases employed were hardly justifiable. The whole course of one hon. gentleman's speech seemed to have been directed to raise the imputation that the government had been industriously employing itself to blacken the character of the country bankers. Now, he must beg leave to disclaim that imputation in the most distinct manner. He, for one, entertained the sincerest respect for many of the gentlemen engaged in banking business in the country; he firmly believed there was as large a portion of honourable men in that class as in any other; but when he said so, he still claimed the privilege of a member of parliament to speak of them and of their conduct, in the same free manner as he would speak of the conduct of any other men exercising public functions, or filling private stations, whose duties and responsibilities almost amounted to public functions. What, he would ask, were country banks? At present there were eight hundred of these establishments in the country, issuing notes, which formed a considerable portion of its circulating medium. In Macpherson's Annals of Commerce, when speaking of the distresses of the year 1793, and considering the nature and the effect of country banks, he stated, that it was uncertain to what their exact number amounted, but he computed them at 288. Since that time, that number had greatly increased; and at the present moment they amounted to no less than 800, issuing, as he had said before, notes that formed the circulating medium of the country, and in which the active labour and industry of the country was paid. Respecting these banks, the hon. member had stated a fact, in which he found a strong presumption, that the present system of country banks was imperfect. That hon. member had declared, that the issues of country bankers could hardly be estimated or foreseen; since one country banker might make an over-issue, as he could not know to what extent the issue was made by another. That fact seemed to have been stated by the hon. member as a vindication of the country banks. But that vindication was in truth not their blame, but the blame of the system, and of the system alone. The hon. member for Staffordshire had said, in the beginning of the debate, that the increase of the issue of bank notes was not to be imputed as a fault to the country bankers, for it was the tendency of bank notes to increase with the increase of prices. He agreed with the hon. baronet—the fault alluded to was not the fault of the country bankers; it was not the fault of individuals; but of the system which they were engaged in conducting—a system that almost compelled them to assist in creating the evils of which the country now complained. That hon. member's proposition, however, did not go far enough; for he might have added, that not only would the increase of notes follow the increase of prices, but that they would decrease with the same rapidity, when prices fell; so

that the tendency always existed in the system, to aggravate the evils of the country. It would act as a stimulus to speculation when the excitement was at its height; and when the weakness always consequent on fictitious excitement followed, it would increase that weakness, and add to the extent of the evil. These country banks, as they proceeded on their present system, contradicted that beautiful principle of mechanics on which the most powerful engines were constructed. In mechanics, when two powers were to be employed in order to attain one object, the principle on which they were united was this, that when one was contracted, the other would expand—when one was employed to disadvantage, the other would exert its utmost force, and thus supporting each other as each required support, they rendered the desired object sure of attainment. The country banks did the reverse of all this: they first increased the tendency towards the evil, and afterwards increased the evil itself. Hence it followed, that what formed the vindication of the individual, also offered the strongest ground for the condemnation of the system under which that individual acted. One argument of an hon. member had alarmed him; for it seemed to go to the indefinite extension of the present system. It had been said, that the labourer was safer with the one-pound note than with the sovereign; and that when he received his note he ought to go to the savings'-bank, and there deposit it. Surely, when the labouring man was surrounded, as many must now be, with extreme distress, in consequence of the recent failures of country banks, it was not an answer to him, to say, "You are not to be pitied; the loss is all by your own fault; you might have lodged your money in a savings'-bank," when, perhaps, the savings'-bank was twenty miles distant from the place in which the poor man lived?—But these were topics not immediately connected with the question before the House; he would, therefore, leave them, and confine himself strictly to it. He would request the House to consider what evils country banks had produced in the time more particularly within their own memory. And here he would beg the House not to suppose that he was inclined to overstate the evil—attributable to the circulation of the one and two pound notes of the country banks. All he meant to say was, that the tendency to speculation was increased by them, and that that circumstance, combined with the fluctuation of prices which it occasioned, was productive of real inconvenience in all cases, and of positive misery in many. It was easy to attack the measure of his right hon. friend, and to say that there was no remedy for the present evils in his resolution. Why, the resolution did not pretend to provide a remedy; it only tended to destroy that cause, which, added to excessive speculation, had produced so many distresses. The hon. member for Taunton, in criticizing the resolution, had said, that it was merely skin-deep—that it was milk and water—that it was totally nugatory—that it was founded on vain principles—that the house was on fire, and that it was necessary to provide for the safety of those who were trembling in the garret. Now, he had listened with great attention to the means which the hon. member had proposed to rescue the people in the garret; and he found that the only ladder for escape which the hon. member offered to them was one which was liable to the very same exception which had been made against the measure proposed by his right hon. friend, the Chancellor of the Exchequer. He was now alluding to the proposal of the hon. member for Taunton to make silver a legal tender to any amount. One half of the hon. member's speech went to prove that that was an important measure, and worthy of serious consideration. He believed that it was so; but still it was as little calculated to give immediate relief as any proposition which could be mentioned. When he said that the hon. member's suggestion was an important one, he only meant that it deserved consideration. He was of opinion, that, if adopted, it would be necessary to accompany it with a measure to guard against any fluctuation in the price of silver; that it would be necessary to revise it from time to time; so that if there should be an increase in the quantity of silver, the man who had contracted an obligation in gold should not be allowed to discharge it in silver.—He was going, however, to take a view of the evil in which this system had placed us, when he was led, unintentionally, into another digression. He could not help thinking that if, in the year 1793, a set of banks had been established in this country, on the system of the Scotch banks, it would have escaped the danger in which it was then involved, as also the calamity which now impended over it. Now, when the hon. alderman

referred to the maxims of our ancestors, and conjured the House to follow them strictly, he wished he would himself abide strictly by the advice he had given to others. It would not be an apt illustration of the subject to refer to the state of the banking system in 1793. What was the number of failures which had taken place among country banks in that year? Why, not less than 100. In Yorkshire there were 12 commissions of bankrupt against country bankers; in Northamptonshire 7; in Lincolnshire 7; in Sussex 6; in Lancashire 5; in Leicestershire 9—all issued in the year 1793. And these commissions, it must be remembered, by no means showed the number of failures; because, by means of compositions, and in various other ways, the concerns of many of the bankers who were unable to go on were arranged so as to avoid bankruptcy. But, since these were the only data afforded him towards ascertaining any thing like the amount of failures, he would state the number of commissions issued for some time after the year 1809. In 1810, it appeared that against country bankers 26 commissions were issued; 4 in 1811; 17 in 1812; 18 in 1813; 29 in 1814; 26 in 1815; 37 in 1816; and that, in the late eventful crisis, there were 76 failures among the bankers of the country and the metropolis. For the reason he had stated, he should be justified in estimating the general amount of failures much higher than appeared by the returns of the commissions: it would not, perhaps, be too much to say, that the failures were four times as many as the bankruptcies; and it would, therefore, be a fair way of estimating the amount, by multiplying the number of commissions by four, during the series of years he had stated. Why then, he would ask, could any system be worse, or more prejudicial to every interest in the community, than one which, like the one at present subsisting, admitted of so enormous an amount of failures? Let the House now look at what had been the case, under a different system, in Scotland. It would be seen, by the evidence taken before the committee in 1819, that a Mr. Gilchrist, who had been a manager of one of the banks there for many years, was asked, how many banks had failed in Scotland within his memory. His reply was, that there had only been one; that the creditors were immediately paid 14s. in the pound as a dividend, and, upon the winding-up of the concern, the whole of their demands. If then, the consequences of the system of banking had been to produce the number of failures in England which he had stated, while, during the same period, there had been only one in Scotland, was that not a strong presumptive proof that the system of the latter, if not quite perfect, was at least far preferable to that under which we had been so long acting? The mass of distress which must have been occasioned by the failures in England, was too extensive a subject to be now entered into. It had been felt not only by the commercial world; it had extended itself to the lower classes of society. He was inclined to look upon the effect which the present system of country banks had upon the payment of the wages of the labouring classes as one of the greatest of the evils it produced. It had been, he thought, satisfactorily proved, that the tendency of that system was to encourage speculation at one time, and at another to add to the languor which might affect the commercial interests of the country. For the benefit of the labouring classes chiefly it was, that he wished to see this altered, and that the manner in which their wages were paid should be brought to a level. At present they were sometimes paid at enormous rates, and at another plunged into unlooked-for distress. He was satisfied that very large wages, so far from being beneficial to the labouring classes, were really injurious to them. When they earned, as at some periods they did, 8s. or 9s. a-day, the consequence was, that they never worked more than three or four days in a week, and the other days were spent in idleness and dissipation. Thus, when the evil day came they had laid by nothing, and they were so much the worse for the unreasonably high wages they had before earned. This observation applied more particularly to that class of labourers who were employed in the manufactures of the country; but the evil of the system was felt in a different, though not in a less severe shape by the agricultural labourer. He did not know whether the committee which had been presided over by the noble lord opposite, had gone very deeply into this subject, but for his own part he was satisfied, that the payment of agricultural labourers rested upon as unsatisfactory grounds as possible. He would not take upon himself to say in what respect this should be altered, because the subject required a more serious consideration than he was at that moment prepared to give to it; but he was quite

sure that a system could not be sound or politic, under which a man in perfect health and strength was unable to earn a sufficient sum for the support of himself and his family. Without, therefore, going into the causes of this state of things, he was quite convinced, that the restoration of the circulation of the country to something like its ancient standard, would have the effect of permanently ameliorating the condition of the labouring classes of every description. It was upon them that the distress produced by the recent failures had fallen most heavily. The man who held £500 or £1000 of country bank notes, could probably afford to wait until the affairs should be wound up, or the dividend paid. It was not so with the poor man who held £5, £3, or £2. To him to wait would be to lose the money altogether: the inconvenience to which he was exposed, the expense of proving his debt, and other obstacles which such a failure always produced, were fatal to his claim; and he who was most in want of compensation was often the only one who did not receive it.—Perhaps he was induced to dwell on this subject in consequence of the impression which had been made on his mind by the scenes of distress which he had witnessed in consequence of the failure of the banks in Ireland. He verily believed that the history of no country could afford instances of more aggravated misery and suffering, than those which he had himself seen in the province of Connaught. The breaking of French's bank alone produced, in that part of the country which was most intimately connected with it, more poverty, and more of that misery and crime, which sprang from poverty, than any other event within his recollection. Any plan, therefore, he contended, which would enable the country to get rid for the future of these disastrous results, ought not to be discountenanced by the House; on the contrary, no pains should be spared to apply a remedy to the present evils, and permanently to prevent their recurrence.—Having thus stated the reasons which satisfied him that the present system had a positive tendency, at some times, to increase that spirit of speculation which ran to so mad a height, and at others to make the languor which prevailed still more debilitating, he would proceed to consider whether the remedy proposed by his right hon. friend were such as would prove effectual; and further, whether this were the proper time at which it ought to be applied, or whether it should be postponed. The latter topic seemed to require no less consideration than the former; because, as the hon. member for Taunton said on a former evening, an operation might be necessary, but the moment for performing it must depend upon the nature of the danger which existed. He was first led to examine the objection which had been alleged against the principle of banks, as proposed by his right hon. friend; namely, that it would be impossible to carry them into effect, because persons would not be found willing to risk their property in experiments of this nature, and that the people in general would not place sufficient confidence in those by whom the concerns of the new banking establishments should be managed. He confessed himself sanguine in the hope, that gentlemen of property would be found, many more than enough, to execute the proposed plan, who would be actuated, not by the mere desire of profit, but by the wish to see a better, firmer, and more useful system of banking in their districts, and that they would lend the assistance of their capital and their exertions to ensure the success of such establishments. He most sincerely trusted, that the great obstacle to the proposed institutions, namely, the want of a charter, would be removed. He hoped that the directors of the Bank of England would seriously consider whether any great advantage could result to themselves from the absence of a charter in the proposed establishments; and whether, on the other hand, great advantages would not be experienced by the country, from their having that facility afforded to them. He declared that he could see no one advantage which the directors of the Bank of England could derive from the refusal to grant charters to country banking establishments. Unquestionably they had the right to refuse the grant if they chose; but he trusted they would refrain from exercising that right. Having had occasion to mention the directors of the Bank of England, he would add, that the conduct they had displayed, during the recent crisis of distress and alarm, had increased the respect which he had before entertained for them. They had been placed in a most difficult situation; they had to perform an arduous and a double duty—to act at once for the advantage of the country, and for the protection of the interests of those who were connected with them. He could not conceive it possible for any body of men to have acted better, or to have exercised more judg-

ment, discretion, and liberality, than the directors of the Bank of England had done. He hoped they would give one further instance of liberality, by waiving their right to withhold from the proposed establishments the charter which they would require. There would then be none of that want of confidence which had been anticipated; and the extended scale upon which those banks would be established, would satisfy persons of their security, and they would not hesitate to give the direction of them to individuals who would be chosen by themselves. This, he trusted, would furnish a complete answer to the objections which had been raised as to the want of confidence. The success of such institutions, he thought, was sufficiently shown by the example of Scotland, where they had subsisted for so many years, and of Ireland, where two banks of this nature had been established since the passing of the act of the last session, and which presented every prospect of success.—He now came to the conclusion of his right hon. friend, in which he concurred; namely, that it would be impossible to maintain the circulation of one and two pound notes together with a metallic currency. When the Bank of England purchased bullion with their own notes, the circulation was of necessity very much confined, and the notes were very soon returned upon the Bank. He had always thought the amount of the circulation had been overrated, and particularly by the late Mr. Ricardo, in the plan which he proposed. He insisted that it was not possible to maintain the circulation with so small a quantity of bullion as was in the country. The circulation was estimated at 24 millions; and as it was said the directors of the Bank had only four or five millions in their coffers, the greatest evils were anticipated from their stopping payment. The hon. member for Taunton had overrated the currency in stating it at 30 or 40 millions. He (Mr. Peel) should not despair that the resources of the Bank would be sufficient, and that there would be gold enough to conduct all their ordinary affairs. An hon. member had said, that it was impossible to ascertain the actual number of country bank notes in circulation, because all the returns that had been made were fallacious. Upon this point the hon. member's opinion differed from that of the hon. member for Midhurst, who had stated, in his evidence before a committee of the House, that the average circulation of country bank notes was three years. The smaller notes the hon. member thought were usually in circulation about two years and a half, and the £5 and £10 notes somewhat longer, so that the average might, perhaps, be taken pretty accurately at three years; and the evidence of all the country bankers, and of the engravers of the notes who had been examined, confirmed this estimate. In the last three years, from the number of notes stamped, it appeared that the amount of the circulation had been £7,600,000. This was the maximum, as it appeared from the Stamp-office returns; but no deduction was made for that portion of the circulation which was always in the banker's own coffers. Every banker had also frequently a considerable amount of the notes of other country bankers, which had been given in exchange for his own. Some deduction must be made from the maximum on both these accounts, and also on account of the reduction in the circulation, in consequence of the recent disastrous events, which it was sufficient to allude to. Perhaps, for these reasons, it would be considered an outside estimate of the country circulation to take it at £6,000,000. But, even if it should be rated at £7,000,000, there was no reason to believe that the energies of the country would not be sufficient to supply this sum. Since the year 1819, there had been coined and issued from the Mint twenty-five millions of gold. Suppose that seven or eight millions had been exported from the country, which was indeed an extravagant supposition, there were seventeen millions remaining—a sum sufficient for all the purposes of circulation. He believed that the prohibiting the issue of country bank notes would be the most effectual means of introducing into circulation many sovereigns which had been kept in the coffers of country bankers; partly from a prudent motive of precaution, and partly because they chose rather to see their own notes in circulation wherever they could accomplish it.—The reasons which he had stated were those which induced him to think the remedy of his right hon. friend a good one; and he had heard nothing stated in favour of postponing its present application, which induced him to think such postponement desirable. According to the plan of his right hon. friend, all these notes would be withdrawn in three years, and their place supplied with gold; and such a measure should have his most unqualified approbation. One argument brought forward by an hon. member against

the plan appeared to him most singular. The hon. member considered, that as the Bank of England was to retain its privileges till 1833, the country banks ought to have the same period allowed them to prepare for the change. Now, the Bank of England and the country banks were quite on a different footing. The Bank of England had advanced large sums to government for the charter, and consequently could not be deprived of the privileges included in that charter without the greatest injustice. The country banks had advanced no money in that way, and consequently could not claim any right or privilege to have the period extended to 1833. They wanted only time, the hon. member said. They wished the measure to be postponed for one month, in order that the state of the country might be known. Now, he saw great objections to such a course. It would be holding out a notion that it was the intention of parliament to adopt the present measure at the end of that time; the whole of the session would probably be consumed in hearing evidence, until it would be too late to act upon it at all, and the embarrassment and confusion would be prolonged to a most injurious extent. He was fully convinced, that this was the time for putting the measure into practice, and that the House had come to the question of now or never. Either the remedy must be applied at the present moment, or it must be abandoned for ever. If it were proposed to wait until a time of greater prosperity, he should answer, that such a time would, in his opinion, be less favourable than the present. In the year 1818, when a proposal had been made for taking security from the country bankers, it would be remembered, that great exertions had been made, and successfully made, to defeat that measure. It could not be expected, when a time of greater prosperity should have arrived, that the country bankers would acquiesce in any similar measure if it should then be proposed. If it were true, as stated by the hon. member for the city, that the reduction of the country bank notes had increased the circulation, and that gold was flowing into the country day by day in a larger stream, it was the more advisable to avail themselves of that opportunity. This was a favourable time for effecting that restoration of the currency which was admitted to be so desirable, and it would be impolitic and unsafe to wait the moment of returning prosperity, which would make the country bankers more reluctant to agree to it, and more able to oppose it. To stand gazing on the bank in idle expectation, now that the river was passable, would be an irreparable mistake. The time would come when its tide would have increased—when

*"Monte decurrens velut amnis, imbre  
Quem super notas aluere ripas,  
Fervet, immensusque ruit."*

His conviction that the passage would then be impossible induced him to urge it now; and, if not made now, all hope of accomplishing it must be abandoned for ever.

Mr. Baring moved, as an amendment, "That it is the opinion of this House, that in the present disturbed state of public and private credit, it is not expedient to enter upon the consideration of the banking system of the country."

On a division, Mr. Baring's amendment was negatived by 222 against 39; majority, 183; and the House went into a committee.

Mr. Hudson Gurney then moved, as an amendment, that the words "or by the Bank of England" be left out of the resolution.

Mr. Peel, in reply to Mr. Hume, said, that the hon. gentleman had rather misstated the tendency of his bill, when he said it was founded on Mr. Ricardo's principle; whereas it was well known, that Mr. Ricardo's proposition was to pay bank notes in ingots of gold. But the principle of his bill was, to render notes of the smallest amount convertible into gold; and there was, in addition, a positive prohibition against the circulation of country bank notes after the lapse of two years from the passing of the bill; and if that bill had been carried into complete effect, there would not now have been a country one-pound note in circulation.

On a division, the amendment was negatived by 66 against 7; majority, 59; and the Chancellor of the Exchequer's original resolution was agreed to.

## CHURCH RATES IN IRELAND.

FEBRUARY 16, 1826.

In the debate on Sir John Newport's resolution regarding the Levy of Church Rates in Ireland, Mr. Goulburn moved, as an amendment, "that leave be given to bring in a Bill to consolidate and amend the laws which regulate the levy and application of Church Rates in Ireland."

MR. SECRETARY PEEL said, that the learned gentleman (Mr. Abercromby) laboured under a mistake in supposing that his right hon. friend, the Attorney-general for Ireland, had expressed an opinion, that it was impossible to introduce into Ireland a measure of a similar tendency to that which he had the honour of submitting to parliament last session. Nothing would give him more pain than to find that that measure could not be applied to Ireland. Even something more beneficial might be done, than merely to consolidate the laws. Since he had entered the House, he had received from an hon. friend near him a remonstrance as to the operation of the bill, which gave him much satisfaction. His hon. friend had complained that such was the unfortunate operation of the measure, he had been actually summoned to serve on two special juries. Now, he was rejoiced to find, that in the working of this bill, all men, without distinction, were compelled to perform their duties to the public; and in this summons he found some information which might be usefully applied to Ireland; namely, that the parties would be fined for non-attendance, unless they made a reasonable excuse, and that the judges would be in the court at ten o'clock. It would be well that the bill for Ireland should not follow too closely on the heels of the other; for, in the connecting of a bill which repealed seventy or eighty acts, imperfections would creep in, which, perhaps, one or two assizes would point out. The hon. baronet opposite had made some allusions to the appointment of Lords-lieutenant to counties in Ireland. Nothing, certainly, could be better in principle, than that there should be gradations between the chief magistrate and the most subordinate authorities. But then the amount of the benefit must depend on the manner in which the duties of the office should be executed. It might be made the greatest curse in individual counties; and he feared it would not be easy to find resident Lords-lieutenant in Ireland; for the parliament being here, those who would be fitted for the office must necessarily spend the greater portion of the year in this country. In the course of the session he meant to introduce a bill for the purpose of consolidating the laws of both countries, with respect to theft. With respect to the general question, if the right hon. baronet wished to record his own opinions, of course it was competent for him to place the resolutions on the journals; but it was rather an unusual course, when a bill was about to be introduced, to propose resolutions to the same effect.

Sir J. Newport's resolutions were negatived without a division, and the amendment was agreed to.

## PROMISSORY NOTES' BILL.

FEBRUARY 20, 1826.

In the debate on the order of the day for going into a committee on this bill, Mr. Hume moved, as an amendment, "That a select committee be appointed to consider the best means for placing the Banking Establishments of the United Kingdom on a better footing; for securing the holders of bank notes against loss; and for ensuring a metallic circulation in the country, commensurate with the wants of commerce, and the security of the country at all times."

The amendment was negatived, and the House resolved itself into a Committee; and in the debate which ensued, the Chancellor of the Exchequer proposed an amendment. It was necessary for him, he said, in the first place, to state precisely what the nature of the amendment was, and to declare what it was not meant to do, rather



than what was intended to be done. He did not mean, then, to propose that the Bank of England should continue to issue one and two pound notes, when that power was withdrawn from other Banks. The object was, not to give the Bank of England the power of retaining their notes in circulation one moment after the lapse of three years. What did the proposition, in fact, amount to? It amounted only to this—that during the next three years, the small notes of country banks, stamped previous to the 5th of February last, should continue to circulate, and be issuable, but that the small notes of the Bank of England might be issued, though dated subsequently to the 5th February and up to the 10th October. The immediate effect of this would be, to enable the Bank to supply, if circumstances required, for a limited time, and to a limited extent, any sudden vacuum that might be produced by the withdrawing of country Bank paper from circulation.

MR. SECRETARY PEEL said, that, although he felt that the arguments of his right hon. friend, the Secretary of State for Foreign Affairs, had exhausted the subject, still he thought it right to state the grounds on which he was induced to give his support to the amendment. He must, in the first place, point out the fallacy into which the hon. and learned member for Calne had fallen. The hon. and learned member had reproached ministers for at once granting an extension of power to the Bank of England, when they had refused the hon. member for Midhurst the delay of a month to take the point into consideration. Now, he thought the hon. and learned gentleman must, in fairness, admit the justice of the reason which induced ministers to refuse that delay. They refused to postpone the business for a month, because they knew, that if they granted the delay called for, the evil would not be confined to that one month, but the inevitable inference would be, that government had changed its views, and were prepared to abandon the measure altogether. This was the reason why the application of the hon. member for Midhurst was not acceded to. The right hon. gentleman opposite said, that the whole discussion had hitherto turned on the principle of the measure; but he had heard it stated by another hon. member, that the whole question turned upon time. Here were two contradictory propositions, neither of which he thought was well-founded. In his opinion, the whole of the measure could not be viewed with reference to time, for many of those who opposed the motion on principle, did not concur in the propriety of the time. The right hon. gentleman had spoken of a mutiny among the country bankers, and had called upon government to resist it with measures of vigour. No doubt, in cases of mutiny, it was unwise to concede; but country bankers, by law, were at liberty to take their own course, and it would have been a gross misapplication of the functions of government, to treat them with the summary decision that ought to be applied to mutineers. It was the wiser course for the administration of a great country, not to push its principles to the destruction of any important interests, from a pertinacious objection to concede. It was not for any government to say that it would persist, without deviation to the right or the left, any more than it would be wise in the pilot of a ship, through a rocky strait, to declare that he would steer through the danger without changing the direction of the rudder. The circumstances which the measures of government were intended to meet, were perfectly novel; and that man must, indeed, be peculiarly gifted, and free from human fallibility, who could propose a plan from which he would not, and need not, consent to the slightest deviation. If the country bankers had pursued a course contrary to their true interests—if they were in a state of mutiny, and had produced a great local distress—it was wise in ministers to provide a speedy and effectual remedy. That remedy was contained in the bill upon the table; and, with regard to the clause now proposed, he only consented to it in the clear understanding, on the part of the Bank, that it was to be acted upon in the spirit in which it was proposed. When the right hon. gentleman alluded to the year 1819, and stated that the Bank then showed no disposition to withdraw their note circulation, he ought to have remembered, that the circumstances then and at present were entirely different. When the present measure was first proposed, it occurred to him and to others, that it would be desirable not to prevent the Bank, by law, from issuing these notes. There being 700 or 800 banks in the country, the paper circulation of which it was proposed to contract, he felt that peculiar circumstances might occur which would render it necessary that the Bank of England should be allowed to issue those notes,

to prevent local pressure and distress. Therefore it was, that he approved of the amendment of his right hon. friend. The conduct of the Bank in 1822 formed a fair ground of presumption, as his right hon. friend had stated, that that body would not wantonly abuse the power which it was now proposed to intrust to them. If they did abuse it, they alone would not be responsible. The responsibility would attach as well to the government as to the Bank. He, for one, would not agree to the measure, if he did not feel the strongest conviction that the principle would be fairly carried into execution. The great object of all parties was to obtain a wholesome currency, and that object would be facilitated by the bill as amended. There lurked behind his assent to it, no expectation or apprehension that the prophecies of those who only foresaw dangers and difficulties would be realized.

FEBRUARY 27, 1826.

In a Committee on the Promissory Notes' Bill,—

MR. SECRETARY PERL, in reply to Mr. Monck, who had spoken in support of an amendment proposed by Mr. R. Maberly, said he differed from the hon. member who spoke last, in the view which he took of the question. The most erroneous inferences might have been drawn from the accounts of the issues of the Bank about the period of 1797. The average amount of the Bank of England circulation for two or three years previous to 1797 was £11,000,000; but in January, 1797, just before the restriction took place, their circulation was contracted to £8,000,000. The publication of that fact, unaccompanied with any explanation, would have led to the most erroneous inferences. He felt it his duty to oppose the introduction of the amendment, being of opinion that parliament had a sufficient check upon the Bank in calling from time to time for accounts of their issues. The publication of a weekly account would answer no good purpose, and might induce false inferences.

## ABOLITION OF SLAVERY.

MARCH 1, 1826.

In a debate upon Mr. Fowell Buxton's presentation of a Petition from the inhabitants of London for the Abolition of Slavery in the Colonies,—

MR. SECRETARY PERL rose, he said, for the purpose of cautioning hon. gentlemen against using any expressions which might tend to irritate the feelings of persons who were in any degree opposed to the measure which they advocated. His apology for giving this caution, if any apology were necessary, must be, that the use of language of that description was calculated more than any other thing to throw obstacles in the way of that amelioration of the condition of the slaves which was so earnestly desired. That which appeared to him to be the most prudent course would be to proceed slowly and moderately; and, having ascertained what regulations were likely to attain the object they had in view, to put it plainly to the several colonies, either to adopt or reject the measures which the parliament had suggested, and which he hoped, from the bottom of his heart, they would unanimously agree to act upon. He was equally convinced that it was of the highest importance to avoid all irritating and exasperating language, because that was directly calculated to induce the colonists not to concur in the measures which the House should recommend. He was sure there could be no difference of opinion as to the importance of having the concurrence of those colonists. Any thing that the legislature wished to effect, would be much better performed by willing than by unwilling witnesses. When he said this, he was sure it would not be supposed that he felt any thing like indifference to the amelioration of the condition of the slaves, in as speedy, and in as ample a manner as could be. He could assure the House that it was his warmest wish to see this carried into effect; and he had every reason to believe that it would be better, as well as sooner accomplished by being recommended to the West India colonists in the language of friendly opinion, and left to their sense of humanity, and of their common interests. It could not be in better than in their own hands, because their experience and knowledge would enable them to ameliorate the condition of the slaves in a more practical manner

than any enactments which the legislature might make. There were, however, some points upon which much longer delay was impossible, and on which, if something were not speedily done by the colonists, every principle of justice, humanity, and common sense, would impel the House to interfere. He hoped that, before the next session, some regulations respecting the qualification of slaves to give evidence in courts of justice would be adopted; for this appeared to him to be a subject of paramount importance. He did not mean, by selecting this point, to undervalue the others; but this was one which, as it now stood, kept up a state of things which could not be suffered to exist. He trusted that the colonists would see that in originating the alterations which the present system required, they would at once adopt the safest, and, to use the expression of his right hon. friend, the cheapest course, and evince in the most satisfactory manner the earnestness of that desire which they professed, to improve the condition of their slaves. Without attempting or wishing to interfere with the relative interests of the masters or of the slaves, this principle of justice, that the courts of law should not be closed against them, was obvious; and even looking at it with a still closer application to the case before them, it could not be denied that the interests of the masters would be enhanced in proportion as the condition of the slaves was improved. It was impossible that any practical evil could result from this measure. The competency of the slave would first be examined in the court in which it should be offered, and next his credibility; and the whole effect of his evidence would be left to a jury of whites. He could not, therefore, imagine a reason why there should be any delay in capacitating slaves to give evidence. The devices which had been adopted in some of the colonies showed also the necessity of putting this subject on a plain and general footing. In some colonies the slaves were permitted only to give evidence where the whites were not the parties accused. But suppose that all the evidence of the white witnesses was in favour of the criminal, he would therefore escape the punishment which his offences might have deserved, because the only witnesses who could prove his guilt were silenced. The chief value, however, of this measure was, that it would place the responsibility, in all cases, upon the tribunals, and not upon the law. If it were really the earnest intention of the colonists to raise the condition of the slaves, he thought there could be no objection to this measure, because it was quite safe, and only conferred on them a common privilege of humanity; but if they were to be kept in a condition no better than that of the brutes, then, indeed, he could understand why it ought to be withheld from them. That it was safe no man could doubt, because, as with the evidence of infants or idiots, it was in practice in this country. The same rule might be followed with respect to slaves. Their competency would first be decided upon by the court, and then their credibility, and the effect of the whole would be left to have such weight as it might deserve with the jury. He had purposely refrained from touching upon many other topics connected with the subject which invited discussion, lest the strong feelings which they must excite should lead him into expressions that might irritate persons connected with the colonial interests, and retard that amelioration of the condition of the slaves which it was his earnest desire to effect.

### THE VOLUNTEER ESTABLISHMENT.

MARCH 3, 1826.

In a Committee on the Army Estimates,—

MR. SECRETARY PEEL, in reply to Mr. Hume, said, that, as he understood the hon. member for Montrose, his proposition was, that the volunteer establishment should be abolished. He begged to remind the hon. gentleman of the remarks of the finance committee of 1817, whose labours were so fortunate as to meet with the approval of the hon. gentleman. The right hon. secretary here read an extract from the report of the finance committee of 1817, showing the favourable light in which they viewed the volunteer establishment. So far the opinion of that committee was favourable to the volunteer system, and in that opinion he cordially concurred. The question was, whether there should be any addition made to the allowance of volunteers. He felt that there should be

an increased allowance; inasmuch as the present pay of the volunteer corps was inadequate to their support. In the course of his official duties, he had frequent occasions to observe the conduct of the volunteers, and he thought the whole establishment was most creditable to themselves and to the country. Yet he had never wished to see that establishment increased, and when application had been made to him from various quarters, for the purpose of augmenting the yeomanry, he had uniformly resisted such a measure. He considered that the manner adopted for training and exercising those men was attended with most unnecessary expense, and it was now done away with altogether. He wished to see a permanent duty allotted to the volunteers, and was convinced that such a regulation would be most satisfactory. He wished further, that they should be inspected at stated times by competent cavalry officers, by whose report the House would be enabled to judge as to their conduct and discipline. He wished, however, not to be misunderstood. He had no desire to see the civil power placed in the hands of military men. He had never wished to call in the aid of the military, to accomplish that which the civil power would be competent to perform; but it was no reflection on the country to say that circumstances might arise when the civil authorities would be set at nought, and the intervention of the military be found necessary. He believed that the existence of that most useful body of men was of great service, and he thought that the observation used by the hon. member, that they were merely kept up to strike awe into the country, was most unfair and invidious. He supported the motion for an additional allowance, as he believed that 5*s.* a-day was inadequate to the support of a man who had his horse as well as himself to provide for. He thought 7*s.* a-day a reasonable charge.

## ORDNANCE ESTIMATES.

MARCH 6, 1826.

In a debate upon the Ordnance Estimates, Mr. Hobhouse having objected to the retention of a battalion of guards in the Mews at Charing Cross,—

MR. SECRETARY PEEL said, that the hon. member's objection divided itself into two heads—the architectural and the constitutional objection. On the first point, he could not conceive what offence it was against good taste, that human beings should be put in a place where horses had hitherto been kept. Neither could he tell on what the constitutional objection was founded. He should be prepared to contend, when the hon. member brought the subject forward, that it was the more constitutional course to lodge the men in barracks than to quarter them on the citizens. At least, in the time of Charles 1st the cry was, that “the soldiers should not sojourn with the free citizens of the country against their will.” As to the usage, the hon. member should recollect, that from 1754 to 1776, it was the practice to keep a battalion of guards at the Savoy, and when the Savoy was burned in 1776, the buildings in Somerset House were appropriated for the same number of troops, from that period to 1789. As a general proposition, too, he should be prepared to show, that it was more conducive to the efficiency of the troops, to lodge them in barracks, than to quarter them on the publicans, where they necessarily mingled with characters of the worst description. What the effect of quartering on the publicans was, he would show by a single instance; at that moment there were soldiers quartered at Chalk Farm, and yet it was required of them that they should attend their duty in the Bird-Cage Walk clean and neat in their appearance. There were others quartered in Mary-le-bone and at Camden Town; and what advantage the country could derive from such quartering in public houses, he thought it would be a difficult task for the hon. member to make out. But what he objected to was, not so much the inconvenience of the distance, as the ill effect of exposing soldiers in private quarters to the danger of being mixed up with the worst members of society—a danger from which they would, in a great degree, be exempted in barracks.

## EDUCATION IN IRELAND.

MARCH 7, 1826.

In a debate upon Sir John Newport's motion, for "an account of the application of all sums granted during the last session for the furtherance of education in Ireland,"—

MR. SECRETARY PEEL said, that if certain schools which had been alluded to in private foundations, from the terms of their charter, or from any other cause, did not fall within the operation of the Act of 1813, he was prepared to say that means should be immediately devised for subjecting them to an inquiry as rigid as that which might be extended to any school of public foundation, or under the immediate superintendence of the government. It never could have been intended by the legislature, at the time it authorized a commission to inquire into the state of schools of public foundation, that they should totally pass by schools erected by the grants of individuals, when those grants were manifestly intended for the public benefit. Still less could they have intended to pass by private foundations, where the income was stated at £200 a-year, and leave the whole of that sum to the maintenance of a master, without any attention to the school-house and the scholars, if it were true, that the lands from which such incomes were derived amounted to 2000 acres, which, if properly let, might bring £2000, but, from long leases upon lives, produced only £200 a-year. He thought there was an additional reason why the power of inquiry should be immediately extended to schools of every description, when it was proved that sums had been left for the education of children, and when, from such abuses, no scholars at present could be found. And he saw no objection why the present commissioners should not be empowered to pursue that inquiry in the same manner into private schools, as they were already authorized to do in the case of those of what were called public foundation.

The motion was agreed to.

## THE CORN LAWS.

MARCH 9, 1826.

On the presentation of a petition by Mr. Hume, from certain working manufacturers of Gorbals, and other places in the neighbourhood of Glasgow, praying for an alteration in the Corn Laws,—

MR. SECRETARY PEEL said, he could not think that any advantage could be gained by discussions like the present, which agitated a subject confessed to be one of the utmost importance, difficulty, and delicacy. He was sure that no person in that House wished to repress the voice of the people on any subject. The hon. gentleman thought the petition which he had presented was a specimen of fine writing; but even he thought that they had painted their distresses a little too highly. Without its being supposed that he wished to prevent any representation of the distresses of the people, he must be permitted to deprecate a discussion, which could in no way tend to throw a light upon the subject, but which was calculated to produce asperity between classes which it was most desirable to conciliate. A discussion, if any should take place, ought to be temperate and dispassionate, and above all, bitterness and asperity of language ought to be avoided.

Subsequently Mr. Peel explained, that he had no wish to repress a discussion on the subject of the Corn Laws, if any argument were to be offered to the House; but when he had heard the petitioners using the terms "relentless obduracy," he had been apprehensive that a debate might arise, the tendency of which would be to produce irritation, without throwing any light on the subject which had occasioned it. With respect to the sentiments of the government on this question, he hoped the hon. gentleman would himself admit, that as a time had been fixed for its discussion, ministers would do better to reserve themselves, than to embrace the opportunity which was now offered, by the figurative petition from Gorbals.

## CONSOLIDATION OF THE CRIMINAL LAWS.

MARCH 9, 1826.

MR. SECRETARY PEEL rose, and spoke as follows :—

Mr. Speaker; I hope, Sir, that the House is prepared to give me its attention, whilst I explain the object of those measures connected with the Criminal Law, which I am about to submit to its consideration. To many, I fear, this subject may appear barren and uninviting. It can borrow no excitement from political feelings, nor can it awaken the hopes or fears of conflicting parties; but it involves higher interests, it concerns the security of property—the prevention of crime—the moral habits of the people—and it prefers, therefore, a just and imperative demand on the serious attention of parliament.

I claim that attention on another ground. Of all the subjects which fall within the range of our deliberations, none perhaps has been more neglected than the Criminal Law. "*Inter arma silent leges*," is a trite remark applied to periods of civil dissension. I fear that it might with equal justice be said, that amidst the excitement of party conflicts, the true principles which should regulate the Criminal jurisprudence of the country have been too frequently disregarded. I conjure the House, therefore, by these high considerations, by the paramount importance of the subject, and by the reparation which is due for past neglect, now to entertain with favour and attention, a proposal for the simplification and amendment of some important branches of the law.

The two measures which I mean to submit to the House are, a bill for the consolidation of the statute law of England, relating to the crime of theft; and a bill to improve the administration of justice in some particulars, which I will hereafter specify.

And first, with respect to the bill for the consolidation of the law relating to theft, I presume that I shall not have to combat at the outset any objections to the principle of an attempt to consolidate and simplify the criminal law. It appears so conformable to the dictates of common sense, that the law, of which all men are supposed to have cognizance, and which all are bound under heavy penalties to obey, should be as precise and intelligible as it can be made—that it is almost needless to fortify by reasoning or authority, the first impressions of the understanding.

If authority were required, I could cite some of the most illustrious names that have adorned the civil and judicial annals of this country, the names of lawyers and of statesmen, who have either expressed a decided opinion in favour of the attempt to simplify the law, or who have been actually engaged in the undertaking. To one of these, the first in point of antiquity, as the first in weight and esteem, I will refer, and thus preclude the necessity of summoning other less important testimony. The Lord Chancellor Bacon submitted to King James I. a proposal for amending the laws of England. In that treatise, short as it is, is comprised every argument that can be cited in favour of the measure of which I am speaking, every objection is foreseen, and satisfactorily confuted. The lapse of two hundred and fifty years has increased the necessity of the measure which Lord Bacon then proposed, but it has produced no argument in favour of the principle, no objection averse to it, which, to use the words of Cowley, applied to Bacon himself, "from the mountain-top of his exalted wit," he did not anticipate.

The House will allow me to substitute for my own imperfect expressions the emphatic terms in which Lord Bacon has recorded the suggestions of a mighty intellect. In addressing his sovereign, he says, that his object is not to tax the laws; "I speak," says he, "only by way of perfecting them, which is easiest in the best things; for that which is far amiss hardly receiveth amendment, but that which hath already, to that more may be given." "Besides, what I shall propound, is not to the matter of the laws, but to the manner of their registry, expression, and tradition: so that it giveth them rather new light than any new nature."

He proceeds to state, that for the safety and convenience of the proposal which he makes, "it is good to consider and answer those objections or scruples which may arise or be made against this work." Objection the first, "That it is a thing needless; and that the law, as it now is, is in a good estate comparable to any foreign

law; and that it is not possible for the wit of man, in respect of the frailty thereof, to provide against the uncertainties and evasions or omissions of law." The following is the answer of Lord Bacon: "For the comparison with foreign laws, it is in vain to speak of it, for men will never agree about it. Our lawyers will maintain for our municipal laws—civilians, scholars, travellers will be of the other opinion."

But Sir, I must interrupt my reference to Lord Bacon, by remarking that the lapse of years has supplied us with an answer to the first part of this objection which Lord Bacon had not to urge. Foreign nations have condensed and simplified their laws—and have disintegrated us to vindicate the confusion or uncertainty of our own statutes, by the boast (weak and fruitless as an argument, if it were well founded) that those statutes are less confused and less uncertain than the ordinances of other states.

"Certain it is," says Lord Bacon, "that our laws, as they now stand, are subject to great uncertainties, and variety of opinion, delays and evasion." "Mark," he observes, "whether the doubts that arise are only in cases not in ordinary experience, or in cases which happen every day. If in the first only, impute it to the frailty of man's foresight, that cannot reach by law to all cases; but if in the latter, be assured there is a fault in the law."—"There is an inconvenience of penal laws obsolete and out of use: for that it brings a gangrene, neglect, and habit of disobedience upon other wholesome laws that are fit to be continued in practice and execution; so that our laws endure the torment of Mezentius—the living die in the arms of the dead."

The second objection foreseen by Lord Bacon is this:—"That it is a great innovation, and innovations are dangerous beyond foresight." He replies, "All purgings and medicines, either in the civil or natural body, are innovations, so as that argument is a common-place against all noble reformatations. But the truth is, that this work ought not to be termed or held for any innovation in the suspected sense." "Besides, it is on the favourable part, it easeth, it presseth not; and lastly, it is rather a matter of order and explanation than of alteration."

Another objection stated by Lord Bacon, and that which is perhaps most frequently urged at present, is this: "That it will turn the judges, counsellors of law, and students of law, to school again, and make them to seek what they shall hold and advise for law; and it will impose a new charge upon all lawyers, to furnish themselves with new books of law." The reply is: "For the former of these, touching the new labour, it is true it would follow, if the law (the common law) were new moulded into a text law, for then men must be new to begin, and that is one of the reasons for which I disavow that course. But in the way that I now propound, the entire body and substance of law shall remain, only discharged of idle and unprofitable or hurtful matter, and illustrated by order and other helps towards the better understanding of it and judgment thereupon. For the latter—touching the new charge of books, it is not worthy the speaking of in a matter of so high importance—it might have been used of the new translation of the Bible and like works."

Lord Bacon adds this brief sentence, pregnant with a truth too often disregarded—a truth of everlasting and universal application. "Books should follow sciences, and not sciences books."

Having urged these reasons for the simplification of the statute law, he lays down the principles upon which it should be conducted. "For the reforming and recompiling of the statute law it consisteth of four parts." The first, "To discharge the books of those statutes, where the case by alteration of time is vanished; as Lombards, Jews, Gauls, Half-pence, &c. Those may nevertheless remain in the libraries of antiquities, but no reprinting of them; the like of statutes long since expired and clearly repealed. The next is, to repeal all statutes which are sleeping and not of use, but yet snaring and in force; in some of these it will, perhaps, be requisite to substitute some more reasonable law, instead of them, agreeable to the time; in others a simple repeal may suffice. The third, that the grievousness of the penalty in many statutes be mitigated, though the ordinance stands. The last is, the reducing of concurrent statutes heaped one upon another, to one clear and uniform law."

Such, Mr. Speaker, are the reasons upon which I have undertaken the measure I shall propose, and such the principles by which I have guided myself in the pre-

paration of it. May I not add in the concluding words of Lord Bacon, "this is the best way to accomplish this excellent work; of honour to your Majesty's times, and of good to all times?" If, Sir, there be any to whom the authority of Lord Bacon may appear of too remote an antiquity, or who may consider his views too philosophic and abstract, I will, for their satisfaction, produce another authority more recent and more practical—the authority of a committee of the House of Commons.

In the year 1796, a committee was appointed to inspect and consider all the temporary laws then about to expire. The chairman of that committee was the present Lord Colchester, and to him we are indebted on this, as on many other subjects, for one of the ablest reports that can be found on the journals of the House of Commons. That report observes, "that a general revision of the statute law appears to have been often recommended from the throne—to have been petitioned for by both Houses of Parliament—to have engaged the labours of successive committees, and to have been undertaken by individuals under the sanction of royal and parliamentary authority, but never to have been carried forward to any degree of maturity. After the Restoration, Finch, Solicitor-general (afterwards Lord Nottingham, and Lord Chancellor), Serjeant Maynard, Mr. Robert Atkyns, Mr. Prynne, and others, were appointed, in 1666, to be a committee, to consider of repealing such statute laws as they shall find necessary to be repealed, and of reducing all statute laws of one nature, under such a method and head as may conduce to the more ready understanding and execution of such laws." This seems to be the last recorded instance of this sort. "And thus it is," says the report, "that parliament has hitherto failed to accomplish this general revision; and has now suffered it to sleep for more than a century, although the delay of it has annually augmented its necessity."

Now, Sir, what I propose is, to break this sleep of a century; of more than a century indeed, for thirty years have passed away since the report of 1796, and each successive year has added its own heavy incumbrances to the statute book. I shall, Sir, with the leave of the House, present a bill uniting into one statute all the enactments that exist, and are fit to be retained, relating to the crime of theft, and to offences immediately connected with theft, such, for instance, as the receiving of stolen property.

I select the laws relating to theft in the first instance, because I consider the crime of theft to constitute the most important class of crime. There are acts, no doubt, of much greater malignity, of a much more atrocious character than the simple act of robbery; but looking to the committals and convictions for crime, it will at once be seen, that those for theft so far exceed the committals and convictions for any other species of offence, that there can be no question of its paramount importance in the catalogue of offences against society, and that, if the laws relating to this class of offence can be simplified and united into one statute, we shall have made a most material advance towards the revision of our criminal statute law.

By a reference to the criminal returns for England and Wales, it will be found that in the last year, the year 1825, 14,437 persons were charged with various crimes; of this number not less than 12,500 persons, amounting to six-sevenths of the whole number, were charged with the crime of theft. There were charged with burglary 428, cattle-stealing 42, horse-stealing 229, stealing in a dwelling-house to the value of forty shillings 265, from the person 835, robbery on the person on the highway and other places 189, sheep-stealing 166, simple larceny 10,087. If any other offence be taken, it will be seen that the numbers charged with that offence bear a very trifling proportion to the numbers charged with theft.

In 1825, the same year in which 12,500 persons were charged with theft, were committed for the crime of arson 22, for murder 94, for manslaughter 122. If a longer period be taken the result will be nearly the same.

In the last seven years there have been, convictions for forgery 331, for murder 121, for perjury 43, for arson 50, while, for simple larceny alone, there have been in the same period not less than 43,000 convictions. I need say no more to demonstrate the immense importance of the crime of theft, considered as a class of crime, and to show the necessity of establishing, with regard to it, as clear and intelligible a law as it is possible to establish.

The number of the statutes at present in force relating to this offence amounts to about ninety-two—they include a period of time extending from the reign of Henry



3rd, from the statute called the *Charta Forestæ*, passed in the ninth year of that king's reign, to the last year of all, the sixth of his present majesty. The number of these laws, the remote and various periods at which they have passed, will probably create an apprehension that the attempt to simplify their language, to classify their provisions, and to condense them into one statute, is a hopeless undertaking. But, Sir, I hold in my hand the visible proof that the undertaking is not hopeless.

Here is the draft of a bill which has been printed for the purpose of facilitating the consideration of its details previously to its introduction, and in the short compass of thirty pages, without making any rash experiment to curtail the phraseology of the existing laws, without the omission, I believe, of a single clause which it is fitting to retain, are included all the provisions of the statute law relating to the offence of larceny.

This reduction of the bulk of the law, has been effected by selecting, in some instances from a heterogeneous mass of legislation heaped together in one statute upon matters perfectly unconnected and dissimilar, those enactments that relate to the protection of property from theft; and in other instances by extracting from various statutes which have been passed in particular cases, the principle upon which each was founded, substituting, in lieu of various scattered enactments giving protection to individual articles of property, one general enactment affording protection to the class of property to which those individual articles belong.

It is clear that criminal legislation has been heretofore left to the desultory and unconcerted speculations of every man who had a fancy to legislate. If an offence were committed in some corner of the land, a law sprang up to prevent the repetition, not of the species of crime to which it belonged, but of the single and specific act of which there had been reason to complain. The new enactment too was frequently stuck into the middle of a statute passed probably at the latter end of a session; to the compounding of which, every man who saw or imagined a defect in the pre-existing law, was allowed to contribute.

To give an instance or two of legislation of this kind: Some member has been injured, or he has a constituent who has been injured by the stealing of madder roots, and a provision is forthwith made for the special protection, for the future, of madder roots, not by a single statute, but by including the enactments directed against the stealer of madder roots, in a law of which the following is the comprehensive title:

"An Act to continue several laws therein mentioned for granting liberty to carry sugars of the growth, produce, or manufacture of any of his majesty's sugar colonies in America, from the said colonies directly into foreign ports, in ships built in Great Britain, and navigated according to law; for the preventing the committing of frauds by bankrupts; for giving further encouragement for the importation of naval stores from the British colonies in America; and for preventing frauds and abuses in the admeasurement of coals in the city and liberty of Westminster: *and for preventing the stealing or destroying of madder roots.*"

I will mention another instance of the same kind. There are not less than twenty statutes relating to the preservation of trees from theft or wilful injury, some properly confined to trees alone, others relating to matters so utterly unconnected with the protection of timber, or with the crime of theft, that I shall be almost suspected of fabricating the title of a bill for the purpose of my argument. It seems to have been discovered about fifty or sixty years since, that the various laws which had previously passed with respect to timber did not afford sufficient protection to hollies, thorns, and quicksets; and to save the trouble of amending the former laws, these neglected shrubs were provided for in an Act, which, in taking charge of them, took charge also of the other matters referred to in the following title.

"An Act for the better securing the duties of customs upon certain goods removed from the outports and other places to London; for regulating the fees of his majesty's customs in the province of Senegambia in Africa; for allowing to the receivers-general of the duties on offices and employments in Scotland a proper compensation; *for the better preservation of hollies, thorns, and quicksets in forests, chases, and private grounds, and of trees and underwoods in forests and chases*; and for authorizing the exportation of a limited quantity of an inferior sort of barley called bigg from the port of Kirkwall in the island of Orkney."

Now, Sir, what I propose is, not to lessen the security which the law gives to the

owner of madder roots, not to throw open the holly or thorn to wanton depredation, but merely to transplant them to a more congenial soil than the province of Senegambia.

The laws relating to trees are fruitful in instances of hasty and slovenly legislation. For instance, there passed in the 6th Geo. 3rd. two statutes for the protection of certain trees and vegetable productions in gardens, the 36th and 48th chapters of which must have passed almost concurrently. Neither of them refers to the host of antecedent statutes, and the author of chapter 48 must have been unapprized of the labours of him who had introduced and probably was superintending at the time the progress of chapter 36; for offences which by that Act are made a felony, are by chapter 48 punishable only with a fine of twenty pounds. Had the latter statute passed in a succeeding session of parliament, it would have amounted to a virtual repeal of the preceding Act. There are no less than three separate Acts of parliament extending the provisions of chapter 48 to particular species of trees.

I will proceed to explain the material points in which I propose either to simplify and consolidate the law, or in which I propose to remedy what appear to be glaring defects in the law; for my undertaking is not limited merely to the condensation of the statutes. Where I find any omission through which notorious guilt escapes, I propose to supply it—where I find a just principle at present only partially applied, I propose to extend it to all the cases which it ought to include. I trust the House will bear with me in this reference to details, because details are here of the utmost importance.

There are on the statute book twelve statutes relating to the offence of stolen goods. They are so numerous, because they are founded not upon some definite principle, but because they refer to individual articles of property. One statute punishes the receiver of stolen lead, iron, copper, brass, and bell metal. Then follows a statute to punish the receiver of stolen pewter. Another refers to jewels, plate, and watches. Then comes the general Act as to all goods and chattels—but even this was not considered general enough to apply to bank notes and negotiable securities, and therefore an Act was passed in the present reign for their special protection. Now, I shall expunge from the statute book all these special provisions, and substitute in lieu of this legislation directed to particulars, one simple and general enactment, founded on this plain principle, that he who receives, knowing it to have been stolen, any thing whatever, the stealing of which amounts by law to a felony, shall himself be deemed guilty of felony.

Surely this is the enactment which common sense suggests as the fit enactment against the wilful receiver of stolen property, whether that property be lead or pewter, jewels or bank notes. The example to which I have last referred will sufficiently explain the mode in which I have attempted to proceed in simplifying and compressing the law, in all other cases of a similar nature.

I come now to a subject of at least equal importance—the supplying of those omissions in the law which ensure the impunity of guilt. Of those omissions I will give some examples. Under the law, as it stands at present, it has been decided that it is not an offence, at least not an offence in the eye of the law, to rob a ready-furnished house, notwithstanding that it is a very serious offence to rob a ready-furnished lodging. It is upon record, that after the conviction of a man who robbed of some articles of plate the house which he had hired, the sentence was respited upon a doubt whether the case were within the statute which uses the word lodging and not lodging-house. It was agreed by all the judges that the case was not within the statute, and Chief Baron M'Donald ordered the prisoner to be discharged, saying, "I am sorry the laws of England have not provided for your case, for I have no doubt whatever of your guilt."

Again, the statute which makes it an offence to steal or destroy fish in streams, expressly refers to such streams as pass in or through an estate. If, therefore, the stream, as is frequently the case, neither passes in nor through an estate, but passes between two estates, being the boundary to each, the owner of the fish forfeits his protection under the statute.

Can any man doubt that these are examples of imperfection and omission in the law, which can and ought to be supplied?

Can any man doubt that it is expedient to extend, as I propose to extend, the pro-

tection which the law at present gives to securities for property in the British funds, to securities for property in the funds of foreign states, and to mercantile instruments of all kinds, entitling the holder to the payment of money abroad? Is it fitting that these securities and instruments should be liable to be stolen with impunity? Is it fitting that the stealing of a handkerchief should subject to transportation, and that the stealing of title-deeds, that the stealing of a will on which the property and existence of whole families may depend, should remain altogether exempt from penalty?

The law with respect to a very frequent and very aggravated offence, the embezzlement by servants of their masters' property, is at present very defective.

Among the principal defects are these:

It is necessary to state in the indictment, and to prove in evidence, the embezzlement of specific moneys not merely of the sum in the gross of which the master may have been defrauded, but of the particular coin or notes of which that sum consisted, which may have entirely escaped the recollection of the master.

Again, if the servant has defrauded his master by the means of receiving change, he cannot be convicted at all. Supposing, for instance, the servant having 10s. to receive for his master, gives 10s. to the party from whom the money is due, and receives a one-pound note, which he embezzles, he commits no offence against the law. He cannot be convicted of embezzling the note, for that was not the property of his master, nor can he be convicted of embezzling shillings, for he has received none.

The main defect in the law is this; the offence is at present a felony: now, by the rules of law each act of embezzlement is considered a distinct felony, and only one distinct felony is admitted to be proved upon an indictment for felony. The prosecution therefore often fails from the impossibility of laying the whole case, the whole tissue of fraud, before the jury. The proof being confined to a single act of embezzlement, the jury leans, not unreasonably, to mercy, and frequently chooses to presume that the single act of embezzlement may have arisen from mistake, rather than to convict for the felony.

I propose to remedy these defects; to admit proof that various sums have been received and misapplied by a prisoner, without requiring proof as to the specific coin or bills of which those sums consisted. I propose to alter the legal designation and character of the crime of embezzlement, to make it a misdemeanour instead of a felony, and thus to admit the proof of that which may be absolutely necessary to enable the jury to determine the real extent of the prisoner's guilt, namely, of the whole series of embezzlement, in which he may have been engaged.

In the course of the observations which I have made, several cases have been mentioned in which I propose to subject to penalties, acts which at present may be committed with impunity.

But I beg to observe, first, that these acts are in every instance acts of great moral guilt, which only escape at present through the imperfection of the law; and, secondly, that the new penalties which I affix, amount in no case whatever to death; I constitute no new capital felony.

I propose to extend the grasp of the law; but in no instance do I increase, in some I mitigate, its severity.

I will mention two important examples of the abatement of penalty.

The law which makes it an offence punishable with death, to steal in a dwelling-house to the amount of 40s., extends at present to all out-houses within the curtilage, as it is called.

It is intended to except for the future from the operation of this law, so far as regards capital punishment, the stealing in all out-houses which are not connected with the dwelling-house by some internal communication.

Another case in which it is proposed to reduce the penalties of the law, arises out of an Act of the last session of parliament, which makes the robbery of gardens, without any distinction of circumstances, a transportable felony. The severity of the penalty renders this law in many instances inoperative. It is paralyzed by the stronger law of humanity and reason, which tells a man to overlook altogether the offence of the school-boy who robs an orchard, more from a wanton spirit of enterprise, than from vice, rather than consign him to a prison, and indict him for a felony.

We shall give more effectual protection to the owner of this species of property, if, while we retain the severer penalties for all cases of aggravated delinquency, we empower a magistrate to hear the complaint, and if he shall think fit, to dismiss the offender for the first offence on payment of a reasonable fine.

I have now detailed the leading objects contemplated by the bill for consolidating the laws relating to larceny; or, I should rather say, I have given such examples of those objects as will enable the House to understand the general scope of the measure.

I will now proceed to explain the outline of the other, and not less important, bill, which is intended to effect improvements in the administration of the penal law generally.

It is impossible, Sir, to contemplate without painful reflections, the state of this country with respect to the number and the increase of criminal offences. It is useless, it is worse than useless, to conceal from ourselves the truth that there is not in this country that security from fraud and depredation which there ought to be in a well-constituted society; and that there has been of late years a rapid and alarming increase in the amount of that species of crime.

Many causes may concur to swell the amount of crime in this country, as compared with the amount of it in some other countries of Europe.

Property in this country is much greater, more generally extended, and necessarily more exposed. The freedom of action which is allowed to every man by our law, the absence of any control upon that action through the medium of police establishments, like those which exist in many countries, empowered to act upon vague suspicions, and preventing by unceasing vigilance the commission of offences that would otherwise be completed—such causes no doubt contribute in many instances to favour the early stages of vice in this country. But while I notice their existence and their effect, let it not be supposed that I am blind to the greater good which counterbalances the evil, or that it is my purpose by rash attempts at controlling the excesses which this freedom of action may engender, to impair the noble spirit, the enterprise and energy, that are its blessed offspring.

I shall now proceed to submit to the House a few details with respect to the comparative numbers of criminal offenders at different periods, and I deeply regret that the result is in some particulars so unsatisfactory.

In the seven years, ending December 1816, there were committed to the several gaols in England and Wales 47,522 persons charged with criminal offences.

In the seven years, ending December 1825, the number was nearly double, amounting to 93,718.

In the former period there were 29,361 convictions. In the latter 63,418.

In the former period there were sentenced to death 4126 persons. In the latter 7770.

In the former period 536 persons were executed. In the latter period 579; being an immense reduction, let it be observed, in the number of executions as compared with capital convictions.

It is a circumstance worthy of remark, that although in the country generally there would appear by these returns to have been so large an increase in the amount of crime, in the last of the two periods to which I have been referring, an increase nearly of one-half the total amount, there has been by no means a corresponding increase in the number of criminal offenders in London and Middlesex, although in this district the increase of the population must have been at least as great as that in any other district.

Taking the more serious offences, those to which the penalty of death is attached, we shall find that in London and Middlesex 1018 persons received sentence of death in the seven years ending December 1816.

In the seven years, ending December 1825, 1124, being an increase in capital offences of not more than one-eleventh.

The total number of convictions generally, in the first period, was 7421. In the latter period 11,624.

If reference be made to the number of executions in London and Middlesex in late years, compared with former periods, I trust we shall be warranted in concluding that crimes of an atrocious character are on the decrease, though no doubt the reduction in the number of executions must be partly attributed to a greater forbearance in carrying into effect the extreme punishment of the law.

In seven years, ending with December 1793, there were in London and Middlesex 272 persons executed.

In the same period ending with December 1825, there were 165.

In two years alone, 1786 and 1787, there were 138 executions for offences committed in London and Middlesex.

In the three last years there were only 39.

From the year 1810 to the year 1822 inclusive, there were 173 executions in England and Wales, for robbery on the highway, being at the rate of about fourteen in each year.

In 1823, there were five executions for this offence. In 1824, six. In 1825, six.

For the seven years preceding 1823, the number of convictions for this last offence was at the rate of 140 in each year. In the last three years they have not exceeded on the average 110.

From the year 1810 to the year 1822, inclusive, there were 260 convictions in England and Wales for murder, being at the rate of 20 in each year.

In the year 1823, there were 12 convictions for murder; in 1824, seventeen; in 1825, twelve.

I trust, therefore, that although there has been so great an increase in late years in the total amount of committals for crime, I am warranted in the inference that crimes of the deepest die are less frequent than they formerly were, and that they are gradually decreasing in number.

With respect to the fact that crime has not increased in London and Middlesex, in the same proportion in which it has increased in every other district of England, almost without an exception, I cannot but think that the cause of this is chiefly to be looked for in the efficiency of that police establishment, which is placed under the superintendence of the Secretary of State, an establishment consisting merely of magistrates, with no higher authority than that which any justice of the peace possesses—of constables and patrol, with no other powers than those which the common constables can exercise, but efficient and active because their whole time is devoted to the duty which they have to perform, and because a responsibility is imposed upon them, which it is very difficult to impose practically upon the gratuitous discharge of public functions.

I am confident that the House will not require an apology for these general observations on the nature and extent of the criminal offences committed in this country, with which I have prefaced the explanation I will now give of the particular objects of the second measure which I propose to introduce, and which I trust I do not improperly designate a Bill to improve the Administration of the Law.

This bill will regulate in some respects the proceedings connected with the administration of the law, in the various stages of a criminal prosecution. It will re-enact, and more clearly define the duty of the coroner as to taking evidence upon an inquisition of manslaughter or murder—the binding by recognizance—and the certifying of the evidence, the recognizances and the inquisition, to the court before which the trial is to be.

In respect to the magistrate—it will define what is generally understood to be the law as to the power of admitting to bail, which now rests upon the construction of an obscure statute passed in the reign of Edward 1st.

It will make it obligatory on the magistrate to do that, which it is the general practice to do in case of felony, (but a practice not enjoined by law,) namely, to take the examinations upon which a prisoner is either committed to prison, or admitted to bail, in the actual presence of the prisoner himself. It will extend this obligation to cases of misdemeanour, as to which there is at present no provision by law, and it will require the return of examinations to the quarter sessions, to which they are not at present by any existing statute bound to be returned.

It will extend to subsequent and to future Acts the principle of an Act of King William, which places the felon in the same situation as to the consequences of his guilt, whether that guilt be proved by evidence—or confessed by himself—or admitted by his standing willfully mute—or by his suffering outlawry. At present, there are several offences, constituted such by Acts of the legislature which have passed subsequently to the Act of King William, in the case of which, the same consequences

do not follow to the offender, should he confess his guilt, or stand wilfully mute, as would follow in the case of his conviction by verdict upon evidence.

This bill will extend to accessories to felony after the fact, the principle of the existing law, which makes accessories before the fact triable, either in the county in which the principal felony was committed, or in the county in which the offence of becoming an accessory was committed. The propriety of such an enactment will be best shown by referring to circumstances which recently occurred, connected with a very aggravated burglary in the county of Hertford.

Lord Cowper's house was broken into by night by a gang of eight persons, who went from London for the purpose, and his steward was robbed of the amount of the rents which he was known to have received from Lord Cowper's tenants the day before.

The booty was brought to London, and was divided into shares by a man of the name of Dudfield, who received a considerable portion of it, and who, though not himself present at the robbery, was no doubt actively concerned in planning it. He was apprehended and sent to Hertford for trial, but it was impossible to convict him there, because there was no proof that the offence with which he was charged, namely, that of being an accessory after the fact, had been committed in that county in which the principal offence had been committed. He was next arraigned at the Old Bailey, but he escaped there on the same ground. Ultimately he was convicted in Surrey after very great difficulty, and at an expense to the prosecutor of four hundred and twenty-six pounds for bringing that single offender to justice.

Should this bill pass into a law, the prisoner indicted under similar circumstances would be liable to be tried in Hertfordshire as well as in Surrey.

By this bill, a discretionary power will be given to the judges of assize and to the court of quarter sessions, to award to the prosecutor, in certain cases of misdemeanour, the actual expenses incurred by him.

On a trial for felony it is well known that the courts have such a power at present, and experience proves that the total want of it on trials for misdemeanour, is a serious obstacle to the due execution of the law. I am fully sensible that this power ought to be strictly defined and controlled. It ought not to extend to cases of assault, on account of the tendency it might have to encourage a litigious spirit and frivolous prosecutions, and it might probably be expedient to limit it to prosecutions for those offences to which the punishment of hard labour can be by law attached. I will give the fullest consideration to every suggestion for preventing the abuse or the injurious effects of this extension of the authority of courts of justice, but I must contend that by withholding the authority altogether, you frequently close the avenues of justice in instances in which the poorest classes are the sufferers, and in which the public interest loudly demands reparation from the offender.

What distinction in point of moral guilt, nay, in many cases, what distinction in point of injury to the sufferer, is there between actual rape and the attempt to commit a rape? The law calls the latter offence a misdemeanour; it expects that the party aggrieved, the infant child perhaps of a labouring man, shall overcome the natural feelings of delicacy and shame, and shall appear in a public court to prove the disgusting details of the injury she has received; it requires the sacrifice of time, the trouble which are inseparable from public prosecution, and after all, inflicts on the injured party the heavy penalty of paying the whole expenses of the suit. There may no doubt be occasionally subscriptions towards such expenses from private and casual sources, but the public purse is closed by law to the prosecutor in such a case as that which I have been detailing.

Take, again, the case of gross abuse of authority, or gross neglect of duty, by some public officer, amounting to misdemeanour; can we expect that private individuals will take upon themselves the invidious duty of lodging the complaint, the painful task of arranging the proofs, and finally the whole costs of prosecution, and all this out of a pure abstract love of justice and tender care for the public interests?

It is ridiculous to expect it; to withhold public aid from the prosecutor in such instances as these, amounts to the frequent denial of all reparation to the poor man, and to the impunity of great offenders.

My attention was drawn to the last instance which I have mentioned of imperfection in the law, by a gentleman whose name will be familiar to all who hear me, the

Reverend Mr. Sydney Smith, a magistrate of the county of York. He had committed a man on the charge of poisoning cattle; the man's house was searched by a constable, who found there the poison, (arsenic,) brought it to the house of Mr. Smith, and, subsequently, to screen the prisoner from punishment, denied that any poison had been found. The constable confessed the part he had acted in this transaction, and yet the magistrate had no alternative but either to permit such flagrant misconduct to go unpunished, or to take upon himself the whole burthen of the prosecution.

Either alternative appears to me fraught with injustice, for which I hope to devise a remedy.

Perhaps in my own opinion a more extensive remedy ought to be applied than that which I am at present prepared to apply. But such a remedy might work a change in our institutions and habits too material to be hastily adopted, without feeling our way by the aid of that previous discussion which familiarizes the public mind to changes that may be good, abstractedly considered, but that lose half their benefit, if they are too precipitately carried into effect.

If we were legislating *de novo*, without reference to previous customs and formed habits, I for one should not hesitate to relieve private individuals from the charge of prosecution in the case of criminal offences, justly called by writers upon law—Public Wrongs. I would have a public prosecutor acting in each case on principle, and not on the heated and vindictive feelings of the individual sufferer on which we mainly rely at present for the due execution of justice. Such feelings are rarely the fit measure of the propriety of prosecution. They are apt on the one side to overrate the wrong committed; on the other, still more apt to subside after the first impulse of revenge, and coupled with the just fear of trouble and expense, to lead to disgraceful compromises in which the interests of justice are altogether overlooked.

I would therefore make the prosecution of these public wrongs much more a matter of public concern than it is at present; I would (taking at the same time all proper security against the encouragement of undue litigation) indemnify parties more liberally from the pecuniary charge which the trial of a public offender entails; and I would, by the appointment of a public prosecutor, guard against malicious or frivolous prosecutions on the one hand, and on the other, I would ensure prosecution in cases in which justice might require it.

In Scotland, crimes are prosecuted in this manner through the agency of a public officer, responsible for the justice and propriety of the prosecution when undertaken at the public charge, and for the conduct of it through its various stages.

The public prosecutor in Scotland has another power devolved upon him—the exercise of which is frequently of the utmost advantage. In the prosecution of a crime, to which the penalty of death is attached by law, he is enabled in preferring the indictment, or indeed at any subsequent stage of the trial, to restrict the sentence in case of conviction to a punishment short of death, thus empowering the jury to find a verdict of guilty, with a perfect assurance that the death of the prisoner cannot be the consequence of that verdict.

Whether such a power can be safely and properly transferred to the institutions of our own country, I am not now prepared to give an opinion. Of this, however, I am confident, that if it should be found possible to borrow from the laws of Scotland suggestions for the improvement of our own law, no Englishman would be found to deery the adoption of such suggestions as monstrous innovations, the offspring of a ridiculous desire for useless uniformity, and the badges of disgrace to the country for whose benefit they were intended.

In the detail of the chief provisions of this bill, I have reserved for the last that alteration in the existing law to which I attach the greatest importance.

It appears to me, Sir, that when a prisoner charged with a heinous crime, and proved to be guilty on clear evidence, escapes the penalty of the law upon some technical quibble, or in consequence of some omission of useless forms, a grievous injury is done to society. Not only is justice defeated in the particular case, but the law is discredited; and the numerous class that speculates keenly on the advantages to be derived from crime, compared with the risk of its punishment, sees in every instance of undeserved impunity a fresh encouragement to the adventure. They may, and probably they do, grossly miscalculate—but what is that very circumstance but a great additional evil to society?

It is surely a gross mistake to boast as the perfection of any system of law, that it favours the escape of the party accused.

That law I apprehend to be most perfect, which most certainly ensures the conviction of the guilty man, and the acquittal of him who has been unjustly accused. But the acquittal of the innocent ought, in justice to innocence, to be upon the merits of the case. The innocent man derives no benefit from the advantage which may be taken of mere informalities; on the contrary, if that advantage be taken in his case, he forfeits, perhaps, the only chance he has of rescuing his character from stigma, by the proof in open court that the charge against him is totally unfounded.

When I say that the law is most perfect which ensures with the greatest certainty the conviction of the guilty, and the acquittal of the innocent, I ought to add as a qualification, that the law ought to ensure that conviction and acquittal upon principles not capable of being misapplied and perverted.

There are, for instance, provisions in the criminal law of France, calculated, no doubt, in individual instances, to elicit truth, but which I should never wish to see ingrafted on the practice of this country.

I should deprecate anything approaching to the compulsory examination of an accused party; above all, I should be unwilling to see the judge who presides at a criminal trial, actively concerning himself in the conduct of that trial. I should fear that the general tendency of such an interference would be, if not to create in the mind of the judge, by insensible degrees, a leaning in favour of the accusation rather than the defence, at least to lead to inferences on the part of the jury as to the impressions of the judge, which might unduly influence their verdict.

I should deprecate the temptation which it might create to the display of superior acuteness in the examination of evidence, every thing in short, which could give to the judge the character of a party to the cause, rather than that of a perfectly unbiassed arbiter.

To return, however, to the immediate object to which I wished to call the attention of the House, namely, the expediency of devising some means, which, at the same time that they in no degree endanger the security of the person unjustly accused, shall diminish the chances of escape to the guilty man through mere quibbles or useless technicalities.

If any one will review the grounds upon which great offenders, of whose guilt there could not be a question—whose guilt had been proved in evidence—nay, upon whom a verdict—upon whom even judgment itself had passed—have still escaped punishment; he cannot rise from that review without lamenting such melancholy triumphs of legal forms over substantial justice.

Ought notorious guilt to be entitled to the same impunity with proved innocence, because, after judgment it is discovered, (to quote the phrases of this bill, which I have had prepared,) that in the indictment for a felony there is wanting some proper addition to the name of the defendant, or because there is the want of a *profert*, or *prout patet per recordam*—or because there is the omission of *vi et armis et contra pacem*? Yet these are the grounds upon which offenders have escaped.

Ought the murderer to have all the benefit of acquittal, because the murdered man had three Christian names, and only two of them are set forth in the indictment? or because the wound which caused his death is not described with entire accuracy?

Surely we may rely on the dictates of common sense, and be assured that these things are not perfections in the law. But if I am called upon for professional authority, I will cite the beautiful expressions of Sir Matthew Hale, and let them stand as the fitting preamble to the enactment I propose.

In the history of the Pleas of the Crown, Sir Matthew Hale concludes the chapter on the forms of indictment with these memorable remarks:—

“And thus far, touching the forms of indictment, wherein generally we are to take notice that in favour of life great strictnesses have been in all times required in points of indictments, and the truth is, that it is grown to be a blemish and inconvenience in the law, and the administration thereof; more offenders escape by the over-easy ear given to exceptions in indictments, than by their own innocence, and many times gross murders, burglaries, robberies, and other heinous and crying offences, escape by these unseemly niceties, to the reproach of the law, to the shame of the government, and to the encouragement of villainy, and to the dishonour of



God. And it were very fit, that by some law this over-grown curiosity and nicety were reformed, which is now become the disease of the law, and will, I fear, in time grow mortal, without some timely remedy."

In the bill which I had prepared for the purpose of applying this timely, or, I should rather say, this tardy remedy, it was originally proposed to enact, that, if upon any trial for felony or misdemeanour, the jury shall be satisfied that any person, time, fact, matter or thing, touching which evidence is given, is really the same person, time, fact, matter, or thing intended by the indictment, it shall be lawful for the jury to find the defendant guilty, notwithstanding any variance in the name or description contained in the indictment.

It was thought, however, by some whom I consulted, and in whose judgment I place implicit confidence, that this enactment goes too far, and that it might introduce a laxity and uncertainty into indictments more mischievous than the excessive subtilty which it is intended to correct. I shall propose, therefore, to limit the enactment, at least for the present, to a specification of those defects which shall not (as at present they do) vitiate an indictment after verdict, or after confession or default.

I have now, Sir, I fear, at very unreasonable length, detailed the objects of the two measures which I propose to introduce.

They may not perhaps answer the expectations of some who call out for the immediate and simultaneous revision of the whole of the Criminal Law.

To those I answer, in the first place, that they are little aware of the difficulties of far less extensive projects, of the labour and caution, and judgment which are requisite in every step of such an undertaking as that to which the present motions refer.

The mere collection of dispersed statutes under one head is an easy process, compared with the more important task of rejecting what is superfluous, clearing up what is obscure, weighing the precise force of each expression, ascertaining the doubts that have arisen in practice, and the solution which may have been given to those doubts by decisions of the courts of law.

In the second place, I answer, that nothing would be more unwise than to force on the country in too rapid succession, these alterations in the law. Even if we could have an entire confidence, that the substituted law was in itself perfect, without a blemish or omission, still we must recollect, that we are not the instruments for carrying it into effect, and we shall defeat our intentions, and blight the prospects of real improvement, unless we give leisure to the various authorities on whose assistance we must depend; nay, to the country generally, to comprehend the full scope of the projected changes. Let us not distract and confound society by a multiplicity of new arrangements relating to matters of such importance, and of such constant recurrence in the daily business of life.

It cannot, I think, be justly said, that, of late years at least, the march of amendment in the law has been too slow.

During the four years that I have held the appointment which I now hold, the following measures have been carried through parliament:—

The whole of the statute law relating to prisons and prison discipline, has been, after deliberate inquiries commenced by my predecessor, (Lord Sidmouth,) consolidated and amended.

The severity of the criminal law has been mitigated by extending the benefit of clergy to many offences that, before, were capital felonies; and one great objection to that severity has been altogether removed, by enabling the judges to abstain from passing sentence of death in every case, excepting that of murder.

The laws relating to the punishment of transportation have been revised and collected into one statute.

The laws relating to the effect of pardons from the Crown, and to the rights of convicts after pardon, and after the fulfilment of their sentence, have been placed upon just principles.

The abuses that grew out of the practice that prevailed with regard to writs of error have been corrected. And lastly:—The jury act, comprising the regulations that were previously dispersed in sixty-six Acts of parliament, which now no longer encumber the statute book, has been passed, and has, I have every reason to believe, materially improved the constitution of juries.

I have entered into this detail of what has been actually done, for the purpose of satisfying the House, that there is no indisposition on my part to proceed in the review and improvement of institutions connected with the administration of the criminal law, though I certainly deprecate that rapid progress, which is inconsistent with mature deliberation, and which leaves behind it, in its thoughtless career, the various instruments, without whose concurrence it is useless to advance.

There may, Sir, perhaps, be some who may think it extraordinary, that I, who have not had the advantage of professional practice, or even of a legal education, should undertake the introduction of measures, the details of which must necessarily require so much of professional and technical learning. But let it be recollected, that I am placed in an office which devolves upon me the duty of superintending, in many important respects, the administration of justice, which entitles me to advise the Crown as to the remission or execution of almost every sentence of the law, and which gives me daily, I might say, hourly opportunities of witnessing the practical operation of the statutes which I am attempting to simplify and amend. These considerations will probably relieve me from the charge of any unwarranted and presumptuous interference in matters which I do not comprehend.

I should be indeed open to that charge, if, in presenting these bills to the House, I were offering my own crude speculations, unaided by the learning and experience of professional men. No, Sir; it has been my good fortune to profit by the willing assistance of men who yield to none in respect to general acquirements, to profound knowledge of the principles of law, or to experience in its practice. I owe the preparation of these bills to those gentlemen through whose labour and skill the Jury Act of last session was prepared; to Mr. Hobhouse, the Under Secretary of State in the Home Department, (to whom, but for the relation in which he stands to me, I would do much more ample justice,) and to Mr. Gregson, a barrister of high eminence on the Northern Circuit, justly respected by all who know him. The bills, thus prepared, have been submitted to all the judges; and from many of those eminent individuals, from Mr. Justice Bailey, Baron Hullock, Mr. Justice Holroyd, Mr. Justice Burrough, and Mr. Justice Gaselee, I have received very useful suggestions. The assistance which has been afforded by the Lord Chief Justice, I cannot sufficiently acknowledge. He has devoted to the minute examination of these measures all the leisure which he could spare from the immediate pressure of his judicial duties; and has, I fear, encroached upon that repose which was essential to the restoration of his health.

In the profession of the law generally, I have found the utmost readiness to co-operate in the work which I have undertaken. It is the fashion to impute to that profession an unwillingness to remove the uncertainty and obscurity of the law, from the sordid desire to benefit by its perplexity. This is a calumny which I know to be unfounded; for I have never made, in the progress of this work, a single application for assistance to any member of the profession of the law, which has not been received in the spirit which becomes a generous mind, rising above the narrow prejudices of habit, and the paltry view to private gain. There is one gentleman among those who have thus shown a willingness to give assistance, to whom I must make this public return of my acknowledgments; I allude to Mr. Russell, a gentleman who has rendered important service to the law by most valuable publications, and who has offered suggestions with respect to many provisions included in these bills that are entitled to every attention.

I now leave to the consideration and decision of the House, the measures into which I have entered at such unreasonable length. They will, I trust, be found, after full investigation, not unworthy of the final sanction of parliament.

They propose no encroachments upon civil liberty, no extension of executive authority, no rash subversion of ancient institutions, no relinquishment of what is practically good, for the chance of speculative and uncertain improvement. "The work which I propound," as Lord Bacon says, "tendeth to pruning and grafting the law, and not to ploughing up and planting it again; for such a remove I should hold indeed for a perilous innovation."

Whatever, Sir, may be the ultimate decision of this House, with respect to the measures themselves, it will not, I am confident, condemn the motives which have prompted me to the undertaking.

I can have no motive, but the desire to improve the opportunities which have been placed within my reach, and to exert, to useful ends, the influence and authority, which constitute, if rightly applied, the real value of high official station.—And, Sir, if there be mixed with that desire any latent feeling of a more personal nature, why should I disavow the legitimate ambition, to leave behind me some record of the trust I have held, which may outlive the fleeting discharge of the mere duties of ordinary routine, and that may, perhaps, confer some distinction on my name, by connecting it with permanent improvements in the judicial institutions of the country?—The right hon. secretary concluded, amidst loud cheers, with moving, “That leave be given to bring in a Bill for Consolidating and Amending the Laws relative to Larceny, and to such offences of stealing and embezzling, and of receiving stolen property, as are cognizable in England.”

At the close of the debate, Mr. Peel protested that he did not know how to frame an Act of parliament which would prevent children from running about the streets; but any suggestion from the hon. member (Mr. Alderman Brydges) to that effect, he should attend to with great pleasure. The provisions of his measure generally he wished to have thoroughly canvassed, and should feel obliged to any hon. gentleman who would take the trouble to suggest alterations in it. There was one alteration in the law relative to estreating recognizances which he should deem it peculiarly important to make as soon as possible. Nothing was more common than for persons who were bound over to appear as witnesses upon prosecutions, and not called in court, to be actually arrested, perhaps years afterwards, owing to some error as to their appearance or non-appearance. As an instance of this vexatious practice, the right hon. gentleman stated the contents of a petition which he had just received from a prisoner in Shrewsbury gaol, who had been arrested on the estreating of his recognizances for a prosecution in the year 1818, he having been present in court while the trial went on, but not having been called as a witness. With respect to the payment of costs in cases of misdemeanour at sessions, he believed that they would be far lighter in amount if paid out of the county rate than out of the general funds of the country. He had observed that all expenses allowed at sessions by magistrates who had an immediate desire to keep the county expenses down, were much lighter than those given by the judges of assize.

Leave was given to bring in the bill.

## WESTMINSTER ABBEY.

MARCH 16, 1826.

Mr. Hume moved for an account of the sums charged by the dean and chapter of Westminster for the admission of each visitor to view the public monuments in that abbey, the total amount received from that source in each year, for the last five years, and how the same has been appropriated.

MR. SECRETARY PEEL did not rise to oppose the motion, as he thought it fair that the House should be in possession of the information asked for. The hon. member, however, was in error, if he supposed that the dean and chapter of Westminster had any rights different from those of other deans and chapters. The House, he believed, had no power to compel them to admit strangers to the abbey. He was also wrong in supposing that the fees for the admission of visitors were of recent origin. They had existed from very early periods, and instances might be found in the record office, of their being granted by patent; though, since the Restoration they had been granted during pleasure. In 1613, a patent was granted, which he had seen, to Sir E. Phipps, Sir R. Miller, and others, to collect the fees for showing the monuments to visitors. At present the fees were divided among the minor canons and the choir. The amount of the income of the minor canons, who were obliged to attend about four months in the year, was about one hundred pounds per annum, and of this they drew about seventy pounds from the fees. The admission fee had been diminished, and was not at present more than was necessary to protect the monuments. The abbey was now opened three times a-day to every body when

divine service was performed; it was opened without any charge, at all seasonable times, to artists; and the admission fee had been reduced from 2s. to 1s. 3d. The total amount of the emoluments would be seen when the papers were produced. The hon. member was wrong if he supposed that the dean and chapter had not laid out any money in repairing the abbey. During the last twenty-five years, they had expended £53,627 for that purpose; being on an average upwards of £2000 a-year. During the last twelve years, £40,000 had been applied to the repairs of the abbey, being more than £3300 per annum. This showed that the dean and chapter had paid liberally for the maintenance of their magnificent abbey. They might mistake in demanding a sum for admission, but he was persuaded that they acted *bonâ fide*, and were sincere in their opinion that such a sum was necessary to secure the safety of the monuments.

The motion was agreed to.

## EDUCATION IN IRELAND.

MARCH 20, 1826.

On the motion that the Speaker do leave the chair for the House to go into a Committee of Supply on the Irish Estimates, Mr. Spring Rice moved the following Resolution by way of amendment: "That this House concurs in the opinion expressed unanimously by the Commissioners of Education, appointed in 1826, in their fourteenth Report, signed by the late archbishops of Armagh and Cashel, the bishop of Killala, the provost of Trinity College, now Bishop of Ferns, and others, 'That no general plan of education in Ireland, however wisely and unexceptionably contrived in other respects, can be carried into effectual execution, unless it be explicitly avowed, and clearly understood as its leading principle, that no attempt shall be made to influence or disturb the peculiarly religious tenets of any sect or description of Christians.'"

In the discussion which ensued, MR. SECRETARY PEEL said he saw so little substantial difference in the sentiments of members who had taken part in the present debate, that he was sorry, that on what appeared to him to be a mere matter of form, so much opposition should be excited. All parties were agreed that no interference ought to take place with the religious principles of the scholars. Two things, then, remained to be considered; namely, under what superintendence the education was to be carried on, and what should be done with the institutions now existing? For his own part, he thought the best mode of diffusing education was not through any local constituted institution; and he most perfectly agreed in the principle of Dr. Murray's proposition, that the Protestant and Roman Catholic children should be educated together; that they should learn in common, but receive their religious instruction apart, each from his own pastor. It appeared that Dr. Murray did not dissent from the introduction of some general religious education, founded on the selection of some approved parts of the Scripture, on some harmonious arrangement of the gospel, by which the grand truths of religion might be communicated, and morality inculcated, without trenching on those doctrines upon which the two sects differed. If this plan could be carried into effect, a sound system of education might be established in Ireland; and he trusted that no difficulties would be thrown in the way of accomplishing this most desirable work. He understood that the commission over which his hon. friend (Mr. F. Lewis) presided, were engaged in considering the best mode of giving effect to such a system. No body of persons could possess more ability or information to qualify them for the important task they had to perform. The question then before the House was, whether, in anticipation of the success to which they looked forward, they ought at once to put an end to the existing institutions, which were all they now had to depend upon, and which, though they might not do all the good possible, certainly had done more than could have been expected? Perhaps, in saying that the refusal of this vote would put an end to these institutions, he was, in strictness, going too far; but undoubtedly the effect would be to stigmatise them, so as to take from them the power of doing good for the future. It was during the time that he held office as Secretary for Ireland, that the Kildare-street Association

was instituted to superintend the general education of the poor of that country. As the conversion of the Roman Catholics was quite out of the question, it was considered desirable to improve them by education; and it was hoped that a course of public instruction might be framed, by which all apprehension of proselytism would be carefully avoided. He was prepared to have acted on the recommendation of the fourteenth Report of the Commissioners of Irish Education, and to have placed it under the direction of seven or eight officers, appointed by government. But, after repeated deliberations with those who were politically opposed to him, he found their dread of the increase of the patronage of the Crown so great, that he was obliged to abandon his intention. In the course of the inquiry, however, he discovered that a society was in existence, consisting of Protestants, Roman Catholics, and Presbyterians, and associated for the purpose of conducting the education of the poor on the very principle that was desired. He had, therefore, selected this society to carry into effect the recommendations of the fourteenth report, and he was happy to state that immense benefit had been conferred on the people of Ireland by that society, in the diffusion of books of useful knowledge. That society also gave instruction, on right principles, to 50,000 children, half Catholics and half Protestants. Doing good to at least this extent, would it be wise to paralyse its exertions? A great number of books of religious instruction, of the most unexceptionable nature, had also been circulated by this society. In 1818, the number of tracts issued was 50,000; in 1820, 123,000; in 1821, 153,000; in 1822, 185,000; in 1823, 106,000; in 1824, 121,000; and last year, 172,816 tracts were published, and distributed at the expense of the society. All these publications had been approved by Dr. Doyle and other Roman Catholic prelates. All he implored the House was, not to imply a stigma, which must be done, by passing the resolution proposed by the hon. member opposite. An hon. member seemed to have expressed an opinion, that education should be conducted wholly apart from religion. For one, he must say, he never could consent to patronise any system of education of which the principles of the Christian religion did not form a part. He did not wish to see a race of young philosophers spring up, who derived their principles from any other source; nor, on the other hand, did he wish to see children educated like the inhabitants of that part of the country to which the hon. member belonged, where the young peasants of Kerry ran about in rags, with a Cicero or a Virgil under their arms. In his opinion, this was not the education which would best fit them for the usual purposes of life. He hoped the hon. gentleman would not press his motion; for if he did, he should be under the necessity of voting against him.

Ultimately, Mr. Spring Rice declined pressing his motion.

## FORGERY OF BANK OF ENGLAND NOTES.

MARCH 21, 1826.

In a desultory discussion which arose on the presentation of a petition, praying for an Alteration in the Corn Laws, &c.,—

MR. SECRETARY PEEL said, it was ridiculous to compare the quantity of crime committed by coining with that committed by forgery. For the last three years the system had had a fair trial, and what was the result? That some convictions had undoubtedly taken place for coining, but in no proportion to the number convicted of forgery during the paper system. At the same time it should be recollected, that at no period were the five-pound notes out of circulation, and that one of the cases at Lancaster was for forging a five-pound note. He was ready to admit that the one-pound note was more easily passed away, and that many would try their hand at that, who would be afraid to attempt a larger one. The question here was, whether or not the Bank were to blame? The impossibility of making an inimitable note being admitted, how could the Bank be reproached, more particularly after the statement made by one of the Directors, that in the attempt to enhance the difficulty of forging a note, they had expended no less than £80,000? There could be no doubt but that the wishes of the Bank concurred with their interest in putting a stop to forgeries. These prosecutions were conducted at a great expense, and the Bank

could not be insensible to the effect which they had produced on the public mind. He had always thought that, though it might be impossible to make an inimitable note, the prospect of engrafting some improvement upon the present note was not hopeless. It was worthy of remark that the Bank of Ireland notes were not forged, although the temptation as to the extent of their circulation was comparatively as great. He was decidedly of opinion that something might be done to the Bank of England note to render it more difficult of imitation.

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## CONSOLIDATION OF THE CRIMINAL LAWS.

MARCH 23, 1826.

MR. SECRETARY PEEL brought in his bill "for Consolidating and Amending the Laws in England relative to Larceny, and certain other offences, affecting Property." He said he was so desirous that this bill should receive the most deliberate investigation, that he hoped he should be permitted to have it read the first and second time, and to go through the committee, where the blanks which fixed the penalty to the different offences could be filled up. The bill would then be placed before the House in a more perfect state, and gentlemen could come to the discussion with a complete knowledge of all its provisions; and he should be perfectly prepared to give every opportunity for the discussion of the principle of the measure, if any objection were raised against it.

The bill was then read a first and second time, and committed.

Mr. Peel next brought in his bill "for Improving the Administration of Criminal Justice in England," and requested he might be allowed to take the same course with this as he had done with the preceding measure. This bill differed only in one respect from the statement which he had made when he obtained leave to bring it in, and that alteration was made on the suggestion of one of the highest judicial authorities this country had ever produced—an authority whose opinions were revered in every part of the world where a love of justice and equity prevailed; he alluded to Lord Stowell, the venerable judge of the Admiralty Court. That noble lord proposed to extend the principle of the bill, so far as it related to prosecutions for misdemeanour at the quarter sessions, to offences tried in the Admiralty Court. At present, when persons were tried for offences committed on the high seas, even of the most atrocious character, the court had no power by law to award any indemnification to the persons supporting the prosecution; and the object of the alteration was, to give to the court of Admiralty a discretionary power of indemnifying individuals who came forward as prosecutors. On the common principle of justice, it was only fair that the expense should be borne by the public.

The bill was then read a first and second time, and committed.

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## SHERIFF OF DURHAM BILL.

APRIL 6, 1826.

MR. SECRETARY PEEL rose to move for leave to bring in a bill to remedy the inconveniences arising from the present state of the county of Durham, with regard to the appointment of its High Sheriff. That office was held for life, in the county of Durham, by the nomination of the Bishop; and in consequence of the death of that prelate, and from there being as yet no successor possessed of the power to appoint his officers, the whole business of the county was at a stand. No juries could be summoned, no sessions could be held, no public business of any kind could be transacted, unless some measure were adopted to render those officers still legally capable of executing the duties assigned to them. For that purpose, he proposed that the sheriff and other officers should be empowered by a bill, which he trusted the House would enable him to pass through its stages with the least possible delay, to continue in the situations they now hold for six months from the present time. He was not, however, prepared to say, that, after the termination of that period, he

would consent to leave the office of high sheriff of the populous and important county of Durham to revert to the same state, with respect to its appointment and duration, as before the death of the late prelate. He saw no sufficient reason why that high office should be held at the pleasure of the bishop, nor why the gentlemen of the county of Durham should not be compelled, like the gentlemen of the other counties of England, to serve in their turn when regularly presented for that purpose. There was no bishop at present; but he conceived it to be a matter worthy of serious consideration, whether three names should not be presented every year to the future bishop, and whether he should not be compelled to select from that number the person who was to perform the duties for the usual period. The right hon. gentleman then moved, "That leave be given to bring in a bill, to remedy the inconveniences in the administration of justice, arising from the present vacancy of the see of Durham, and for preventing the like in future."

Leave was given to bring in the bill.

### CONSOLIDATION OF THE CRIMINAL LAW.

APRIL 17, 1826.

In a Committee on the Criminal Justice Bill, MR. SECRETARY PEEL observed that this bill, which purported to have no less an object than the improvement of the Criminal Justice of England, seemed to him to be of such great importance, that he conceived the best method he could adopt in its consideration would be to have it read clause by clause to the House. In that way he could, he thought, introduce most satisfactorily the very few amendments and alterations which it was necessary to propose. The first, and by far the most important, related to the powers of magistrates in the taking of bail—powers which had remained without any alteration since the time of Edward I. His object was, in this bill, to procure such a legislative provision as would make it distinctly understood what the powers of magistrates actually were with regard to bail, upon which there had been for a long period very considerable obscurity; and next, to extend the class of offences for which bail could be received, by giving some precise and definite description of the kind of offenders from whom bail could be taken, pointing out clearly who might be admitted to bail, and who must be committed to safe custody. He proposed that where any person should be taken on a charge of felony, or suspicion of felony, before any justice of the peace, and the charge should be supported by positive evidence of the fact, or by such evidence as, if not explained or contradicted, should, in the opinion of the justice, raise a strong presumption of the guilt of the person charged, such person should not be admitted to bail by any justice or justices of the peace, either in or out of sessions; but should be committed to prison by the justice before whom he or she should be so charged, in the manner hereinafter mentioned. But (and this was one of the amendments he proposed to introduce at present) if there were only one justice present, and the person should be charged before him with felony, or the suspicion of felony, and the charge were not sufficient to justify an immediate commitment; but yet, if there were, in the opinion of the justice, such a strong presumption of guilt as would render it necessary to have further enquiry made before he could either safely commit or discharge—the justice should not in that case take bail, but order the prisoner to be detained until he could be taken before two justices; and if the further evidence produced against the person suspected were not such, in the opinion of two justices, as to raise a strong presumption of his guilt, or such evidence should be adduced on behalf of the person charged as should, in their opinion, weaken the presumption of his or her guilt, but there should, notwithstanding, appear to them to be sufficient ground for judicial inquiry into his or her guilt—in such case, the person charged should and might be admitted to bail by such two justices in the manner mentioned. This provision, with this amendment, would have the important effect of lessening the number of those who were sent, sometimes most unnecessarily, as it turned out afterwards, but yet in strict compliance with the law, to an imprisonment injurious at once to their health and their morals; for, looking at the number of commitments for felonies, and the number ultimately prosecuted and found

guilty, there appeared a disparity which excited a strong suspicion of the policy, whatever might be said of the justice, of the course at present adopted. Now, if the committee looked to the effect of imprisoning for a long period, in a common jail, an innocent man on a charge of felony, and considered that in almost all cases such a person came out a much worse man, in point of moral character, than he was when he went in; they would not, he was sure, object to the grant of a power to magistrates which would prevent in many cases the chance of an innocent man being exposed to such a contamination. He inserted the word "credible," and that was a most important alteration, because at present, where a man was charged with felony, the magistrate, even though he might not think it a case strongly presumptive of guilt, had not the power to admit to bail, but must commit or discharge the prisoner. In cases where two magistrates were present at the first hearing of the charge—and that, he thought, would generally happen in all cities and large towns—they would have the power of admitting to bail, if the circumstances should appear to them to be such as he had before mentioned. But where only one magistrate was at the first hearing, he would be bound to remand, if he had the doubts to which he had before alluded, until two magistrates could hear the case.

Subsequently Mr. Peel said that the clause already proposed was the most material one. The others were not of such consequence at present. If the evidence against the prisoner were positive, the magistrate was bound to commit; and therefore it was that he added the word "credible" to "positive." "Credible" was not to be taken in its technical sense. It meant to guard against the evidence of persons of suspected or doubtful character, as, for instance, common prostitutes.

On the clause, "That before any person shall be bailed, or committed, the justices shall take down the examinations, and bind all persons to appear as witnesses on the trial; and that all examinations, informations, and recognizances, be returned to the Court,"—

Mr. Peel was strongly of opinion, that if the suggestion of the hon. and learned gentleman were adopted, it might tend, in many instances, to defeat the ends of justice. Measures, for instance, might be taken by the friends of a prisoner to intercept the messenger who was conveying the depositions to the assizes, and thus prevent the trial from coming on. Besides, it would have the effect of taking the discretion of postponing the trial quite out of the hands of the judge. Perhaps it was not necessary that the judge should be in possession of the merits. He thought it would be wrong to legislate on the subject.

The clause was agreed to.

Mr. Peel, on the clause being moved, "That all informations and examinations on which any person should be imprisoned or admitted to bail, should be committed to writing, and returned into court at its opening," said that at present magistrates, upon charges of misdemeanour, were apt not to reduce the examinations to writing; but although it might give some little more trouble, he conceived it right that this should be done in all cases.

This clause was agreed to; as were also the clauses for giving similar powers to coroners in this respect as to justices, and imposing a fine on both of them in case of their failing to observe the above regulations. Upon the clause being moved, "That all felonies, without benefit of clergy, should be ousted of that benefit under all circumstances consequent on the indictment,"

Mr. Peel said, that he for the most part concurred in the opinion of the hon. gentleman; but the simple repeal of all these distinctions now would be premature. He hoped at no distant period, so early indeed as in the next session, to bring forward bills for the consolidation of the whole of the criminal statutes [hear, hear!] These he would propose to take in the following order:—first, the laws relating to the injury of persons: second, those relating to coining and forgery. When these had undergone revision and alteration, most of the criminal law would have been revised and condensed. As soon as they had made that progress, it would be right, perhaps, to make one uniform provision upon the subject; but at present, those offences that were clergyable, and those that were not, were so interwoven in the statutes, that it was inconvenient to separate them, or to come to any specific provision upon the subject. Besides, the simple repeal now, by abolishing the words



"without benefit of clergy," would have the effect of making some offences capital that were not so by law.

The clause was agreed to.

Mr. Peel next proposed the clause enacting that, "if any person is indicted for any felony for which the offender is entitled to the benefit of clergy, and he shall on arraignment confess the felony, or stand mute of malice, or shall be outlawed under such indictment, &c., in every such case the person shall be deemed and taken to be guilty of such felony, and the court shall award such judgment as if such person had been convicted by a verdict."

The clause was agreed to.

Mr. Scarlett objected to the clause which subjected "accessories before the fact" to the same punishment as principals in all cases of felony.

Mr. Peel replied, that he had adhered to the principle on which the law proceeded in the punishment provided for offences. It was, that the accessory should be liable to the same punishment as the principal. Indeed, in some instances, the accessory, in his opinion, was more criminal; as in the case of persons instigating boys to steal in dwelling-houses, to commit robbery, or some other offence, with the expectation that, on account of their youth, they might escape the capital punishment due to the crime. There, in his opinion, the accessory was far more criminal. The principle was such as he had stated, and would be found to pervade all the statutes relating to murder, burglary, stealing in dwelling-houses, forgery, and arson. And as this was the general principle, he attributed the omission of observing this principle to negligent legislation in those cases where exceptions were made. He would ask why accessories in one class of aggravated offences should be subject to heavy punishment, and those of another class be exempted? Why, for instance, should a man who was an accessory in piracy be liable to the punishment of death, and the accessory in an unnatural offence not be liable? Wherever, therefore, he saw these exceptions to the general principle, he considered it owing to negligence in drawing up the statute.

The clause was agreed to. On the moving of the clause empowering offences committed within five hundred yards of the boundary line of two counties to be tried in either county,

Mr. Sykes expressed a wish that in all cases a prisoner should be tried either in the county where the offence was committed, or in that in which he was apprehended.

Mr. Peel thought, that it would be much better to have the prisoner always tried in the county where the offence was committed, as it would enable both prosecutors and prisoners to conduct their cases with the least possible expense. If the prisoner were to be tried in the county where he was apprehended, how would the hon. gentleman act supposing the prisoner were apprehended on the boundary line, or in a boat on a river dividing two counties? He certainly could not consent to the hon. gentleman's proposition. The clause contained the words, "any felony may be inquired of in either county." These words, he conceived, met the case mentioned by the learned member for Nottingham. If they did not, he should be happy to insert a clause in the bill which would give the magistrates the power which the learned member thought they ought to have.

The clause was agreed to, and the House resumed.

## LARCENY LAWS BILL.

APRIL 17, 1826.

MR. SECRETARY PEEL said he had to propose several important alterations. He therefore wished the House merely to go into the committee *pro forma*, that the bill might be reprinted, and stand over for consideration. He had originally proposed to consolidate, and he trusted he had succeeded in consolidating, the whole of the statute law of England relating to all offences against property, connected with theft; but he had found, in attempting to legislate with respect to theft, that all that part which related to the mischievous destruction of property was so intimately connected with

that, that it was difficult to draw a distinction. It was probable, however, that, should the committee agree to his alterations, he might think it expedient not to pass the bill through the House this session, but suffer it to lie over for consideration, in its amended state, till the next session.

The House having resolved itself into a committee,

Mr. Peel said, he would shortly state to the House two or three of the alterations which he desired to make. In the first place, as it was expedient to limit, as far as possible, the list of offences which were subject to the punishment of death, he intended to repeal that law which made the stealing in a church (no matter under what circumstances, or to what amount) a capital crime. As the statute stood, a man who stole his neighbour's prayer-book as they sat in the same pew at chapel together, would be liable to suffer death for it; the act being in itself no more than a simple larceny. He saw no reason why any other law should be applicable to a place of worship than to the common case of a dwelling-house. In either case the breaking and entering would be capital, but not the simple act of stealing. In the same way, the statute which made it death to steal from a booth or tent at a fair, was one which he thought deserved to be revised. People who kept such open booths ought to guard their property sufficiently themselves, and not look for laws of unreasonable severity to protect it. The stealing to the amount of 40s. in a dwelling-house, independent of burglary, was now capital: he proposed to increase the 40s. to £5. The sum of 40s. had been fixed as necessary to constitute the capital offence, in the reign of Queen Anne. Considering the different circumstances of the country, the amount which he now proposed was not materially greater. There were two other statutes on which he would detain the House a moment—those applicable to stealing fish, and to stealing deer. The punishment for stealing fish out of any pond was seven years' transportation; and there was no difference between an angling and a stealing by nets or other engines. Now, he thought it rather hard to send an angler, although he did fish in other people's waters, to Botany-bay for seven years; and he therefore proposed a mitigation in favour of such characters. The law as he would have it, should oblige every angler who caught fish improperly, to give his name and address on demand, subject to a penalty of £20 for giving a false one; and his punishment should be, to pay three times the value of the fish taken, with an additional fine to the king, to be levied by order of the magistrate. With respect to deer-stealing, hon. gentlemen were perhaps aware, that by the present law any person who was sworn to have had the head, hide, or any part of the flesh of a deer in his house, within one month from the date of the oath, was liable to be called on, without any proof given that he really had possessed such venison, to show that he had not possessed it illegally. This statute was too severe, indeed perfectly unreasonable; and he proposed to leave the law as to venison on the same footing with that which applied to other meats. There were one or two other alterations which he proposed, and among the rest some change in the law referable to obtaining goods on false pretences; but with these, at so late an hour, he would not intrude upon the House.

The bill went through the committee, and was reported.

## ALIEN REGISTRATION BILL.

APRIL 20, 1826.

MR. SECRETARY PEEL, on rising, pursuant to notice, to introduce a bill for the Registration of Aliens, observed, that when the Alien Act was last under discussion in 1824, a hope was expressed by his right hon. friend the Secretary for Foreign Affairs, and by himself, that at the period to which the duration of that act was limited, it might be possible to dispense with the powers of compelling aliens to leave the country, given by that measure to the executive government. The period had now arrived when those powers would cease, unless by the intervention of the House they were prolonged; as the act of 1824 would expire in November next. He was extremely happy to have it now in his power to fulfil the expectation which he had just alluded to, and to inform the House, that it was not the intention of his majesty's

government to call for the prolongation of this law. In proposing the Registration bill on the present occasion, it was merely wished that the government should have that to which he thought there could be no possible objection; namely, a Registration of the names of such aliens as thought proper to take up their residence in this country. He did not mean to propose any further measure as affecting aliens, nor to take any steps whatever for compelling them to leave this country, under any other circumstances than those which would be operative upon the natural-born subjects of his majesty. He could sincerely assure the House that no man could be more willing to part than he was with the authority which this bill had officially intrusted to his execution; and, in relieving himself from such a burthen, he had the satisfaction to reflect that, during the five years in which he had exercised it, not a single instance of abuse had been laid to his charge. It was true, that the mere circumstance of an abuse of the power would not have been conclusive against the propriety of the measure itself; but it still would have naturally enough indisposed the House to afford a too great facility for its re-enactment. He repeated, however, that he had the satisfaction of knowing that no abuse of the provisions of this act had been imputed to him, and, indeed, he had only in a single instance applied them. It was also due to his predecessor to state, that he had only resorted to the measure five or six times; so that altogether its extraordinary powers had been but rarely brought into operation. The single case in which he had been under the necessity of applying it, was not at all of a political character. It was where an individual had threatened to resort to personal violence against a foreign ambassador, in such a manner as to induce a rationally-grounded expectation that he would, if left unrestrained, have carried his threat into execution; and he really believed that it afterwards proved of great advantage to the individual himself, that it was not left in his power to offer the violence he had premeditated against a high public functionary, who was undoubtedly entitled to all the protection which the laws furnished while he resided officially in this country. From what he had stated, the House would see, that not only had no abuse been committed through the means of this bill, but that in this single instance, and one quite unconnected with politics, had it been used at all. And he could further state, that he had taken the utmost pains to prevent any use from being made of this measure against foreigners, by any of the subordinate agents who were placed under his control. The act which he meant, on the present occasion, to propose in the place of the Alien act, was intended not as a temporary, but a permanent law; and it merely required that every alien should, upon his landing in England, under a certain penalty for omission, be compelled to give a true designation of his name and place of intended residence in this country, and that the Secretary of State should also have the power of requiring a renewal of this registration of names, at certain intervals, while the same parties remained in England. He certainly should not consent to part with this power, if he had not observed the conduct of the aliens who were exposed to the operation of the act; and of them he could say, that he had not the smallest idea that they would abuse the new privileges (for such they might be called) which were about to be conferred upon them. Many of the foreigners who were now in this country had been compelled to seek its shores, in consequence of the intestine troubles and dissensions which unfortunately raged in their native land. They had here, he was glad to say, found an asylum, and received the generous and humane sympathy and assistance of all parties. It would therefore be a bad return for British generosity, were they to make this land, where, under their misfortunes, they had sought and found a resting-place, the scene of cabals or conspiracies against their own governments, while Great Britain was in alliance with them. If, however (which he had no reason to anticipate), these foreigners should hereafter by their conduct defeat his sanguine expectations, then he should feel no hesitation in calling upon parliament for a renewal of the Alien bill. He did, however, hope that such a step would be unnecessary, and it was therefore with the greater cheerfulness he consented to relinquish a power, which he had the consolation of feeling had passed through his hands without abuse. The right hon. gentleman concluded by moving for leave to bring in a bill to provide for the Registration of Aliens.

In reply to a remark by Sir R. Wilson, respecting the necessity which in some cases, in times of political troubles abroad, aliens were under of using wrong names,

Mr. Peel said, that the difficulty might be obviated by the alien telling the officer confidentially what his name really was. The regulation he considered necessary, as it might be desirable on some occasions to know the number of aliens in the country, and the particular points to which they were resorting.

Leave was given to bring in the bill.

## IRISH CHURCH RATES BILL.

APRIL 21, 1826.

On the question that the Speaker do leave the chair, for the House to resolve itself into a Committee on the Irish Church Rates' Bill, Mr. Spring Rice moved, "That it be an instruction to the committee to receive a clause empowering the Protestant parishioners, in vestry assembled, to assess their respective parishes in certain limited sums towards the building, enlarging, and repairing Presbyterian meeting-houses and Roman Catholic chapels."

In the discussion which ensued,—

MR. SECRETARY PEEL said, he thought the great advantage of this bill was, that it made the charges to which a parish was subjected, definite. He agreed with the right hon. baronet opposite (Sir R. H. Inglis), that it was a great abuse for the Protestant vestry of a parish to make rates of the sort he had alluded to, such as building houses for the parish clerks, and supplying a profusion of wine; they were, doubtless, great abuses, and ought to be prevented by law, and this bill would have the effect of doing it. These vestries were to be considered as so many little parliaments in their several parishes; but their powers ought to be as clearly defined as possible. It ought to be distinctly laid down to what objects the money raised under their authority should be applied. According to the present practice, many of the parishes in Ireland, in reality, levied poor-rates. The practice was gradually creeping into more extensive adoption; and deprecating, as he did, the application of the poor-laws to that country, he must condemn this practice, and declare that measures ought to be adopted to prevent its spread. If poor-rates were to be introduced, let it be on the authority of parliament; but let not such principles be introduced partially, according to the notions of particular parishes. The principle ought to be generally applied, or not at all; and, if it were thought that it ought to be applied, let parliamentary sanction for it be obtained. As to the particular proposition now before the House, if it were right to maintain an established church, then the parishioners must be subjected to the charge of the church; but, if they were also to be subjected to contribute to other places of worship, what was that but telling them there was no necessity for maintaining an established church? His hon. friend had included the Presbyterians in his motion. He doubted much whether they wanted the assistance proposed to be given them; but his hon. friend felt the distinction would be too marked, and therefore he had included them. But why stop there? There were other classes of Christians equally entitled to consideration. Why not include the Quakers and the Wesleyan Methodists? Did not his hon. friend think it would be hard on the Quaker, who was called upon to maintain his own church, and to contribute to the established church, if he were also called upon to maintain another church, against which he was decidedly and conscientiously opposed? The clause did not define the power to be given to vestries, and it would engender endless disputes and debates. Besides, the machinery of it was undefined. If he were to admit, which he did not, its necessity, he must say that he did not understand the details of the manner in which it was to be executed. But he opposed the clause in principle, because, to admit that, would be to give up the principle on which an established church was founded.

The proposed clause was negatived by 40 against 18; after which, the House having resolved itself into a committee,—

Mr. Peel said, he believed, as the law now stood, the bishop was authorized to order a church to be built in parishes where there was none; and as there might be two parishes adjoining, and one church sufficient for both, it would be a saving to

the parish having no church to contribute to the rates of the adjoining parish, instead of being obliged to build a new one for themselves.

### COUNSEL FOR PERSONS PROSECUTED FOR FELONY.

APRIL 25, 1826.

Mr. George Lamb having moved for leave to bring in a bill "to allow persons prosecuted for felony to make their defence by Counsel,"—

MR. SECRETARY PEEL, in the course of the debate which ensued, expressed his dissent from the proposition which had been submitted to the House. Two years ago the same subject had been under discussion, when the deliberations upon it were conducted with so much ability and acuteness, that he must confess—although he was aware that in doing so he should incur the charge of weakness—his opinion had oscillated, and he had entertained some doubts on the question. He thought in the then state of his mind, that it would be better and more safe to give the benefit of those doubts to the existing system, and he had accordingly voted against the motion. The subsequent reflection and examination which he had bestowed on the subject had convinced him that it was right. He regretted that he could not on this occasion associate himself with the hon. and learned mover in the labour of reforming the legal institutions of the country; but he felt at the same time that he should little deserve the flattering opinion which the hon. and learned gentleman had expressed of him, if he suffered himself to be influenced by that consideration alone, and without the sanction of his judgment. In stating the impression which he felt on this subject, he must claim for himself to be free from all professional prejudices. As far as his own interest was concerned, the alteration now proposed would be extremely satisfactory; because it would lighten some part of that which he now felt to be the most painful part of his duties. He meant the revision which he was often compelled to make of the sentence, between the period at which it had been pronounced and its execution, when he was compelled either to decide in a few hours, or to grant a respite which might give rise to hopes wholly without any reasonable foundation. He should not object to the alteration because it was an innovation upon a practice which had been sanctioned by years; for that would come with an ill grace indeed from one who had already more than once endeavoured to abolish customs which, if their antiquity alone could have recommended them, were entitled to the most absolute protection. Nor was it because numerous authorities were to be found in favour of the existing practice; for the same might be said of many others, of which he entirely disapproved. On both sides authorities might be adduced, the weight and respectability of which no one could doubt, and which placed the mind of any one who examined them, as Lord Bacon said, "in confluentia aquarum." He was ready to admit, that whatever would tend to elucidate the truth, to procure the acquittal of the innocent and the conviction of the guilty, recommended its immediate adoption, and the alteration of the system which prevailed; but it was because he believed the motion of the hon. and learned gentleman, if carried, would not tend to this, that he opposed it. One of the considerations on which his opposition was founded was, although not in itself a very important one, yet not to be lost sight of—he meant the expense to the prisoners in paying fees to counsel, and the delay which must be occasioned in the administration of justice.—He did not mean to be understood, that any consideration of expense or delay ought of themselves to preclude an alteration like that now moved for, if it could be shown that justice was more fairly done in consequence; but he did not believe (and he had means as acute, perhaps, as any one, of knowing the fact if it were so) that any injustice, or even inconvenience, was felt by the prisoners themselves under the actual practice. Every day almost petitions were presented to him on the behalf of prisoners, which contained various complaints; but he did not remember ever to have seen one like those mentioned by his hon. friend. Various grounds were alleged by the prisoners, but none of them complained that counsel had not been heard on their behalf. He had therefore reason to assert, that the administration of criminal justice was not unsatisfactory to the people of England. If counsel were allowed to address the jury in favour of the prisoner, the judges would feel and

act on the trial differently from their present usual impartiality and indulgence to the prisoner. The prisoner had, by the law as it now stood, the aid of counsel in all matters of advice, in argument on a point of law, in examining and cross-examining witnesses in every thing but in the address to the jury, that was in all matters of real importance to him. And, if the prisoner's counsel had the privilege of speaking to evidence, the counsel for the prosecution could not be prevented from speaking in reply. But the true way to consider the question was, not as it would serve the interest of the prisoner, but as it would promote the administration of public justice. If this measure were adopted, could it be expected that the judges, who, as an hon. member had said, had listened with forbearance to the defences made by Thurtell and Bellingham, would show the same indulgence to the counsel of such criminals? They all knew that in the administration of criminal justice in France, where the judge was placed in such cases in a different situation from a judge in this country, there were instances in which the judge, from a desire to show his acuteness in detecting the fallacy of the arguments urged by the counsel for the prisoner, endeavoured to excite an undue influence in the minds of the jury. The cases which had been adduced by the learned member who supported the motion, seemed to him to make against it. One of the cases was that of a person named Evans, who was tried at Lancaster, where the Attorney-general for the county palatine appeared as counsel for the prosecution. That learned gentleman, with his acknowledged fairness, stated the case for the prosecution, but he also thought it right to make some observations, which, to that learned gentleman, seemed to be highly pertinent, but which were not generally indulged in by counsel for the prosecution. What did the learned judge do upon that occasion? Did he submit to the learned counsel? No. On the contrary, the learned judge interrupted the counsel, and said, "Is this fair—why state any thing in aggravation of the facts?—why state more to the jury than is consistent with fair and impartial justice?" In that case the prisoner was acquitted; and he begged to ask the hon. and learned gentleman, whether he were prepared to assert that, if the prisoner had had an advocate who was permitted to make a speech for the defence, and if the Attorney-general for the county palatine had been permitted to make a speech in reply, he would have been acquitted? He thought the hon. and learned gentleman did not feel quite satisfied that one of the consequences of this bill would not be to ensure conviction in many cases, where acquittal would take place, when the case was left in the hands of the judge and the jury, and when the counsel for the prosecution was prevented from doing more than detailing the facts, of which he intended to offer evidence. He begged to call the attention of the House to another advantage possessed by the prisoner in this country—to an advantage which appeared to him to afford an immense security that injustice would not be done—he meant the unanimous verdict of twelve men. When he considered that advantage, he felt satisfied that there could scarcely be an instance in which twelve men would declare unanimously that another had been guilty of an offence, for which he was subject to the penalty of death, unless the proof were so clear as not to leave a doubt of his guilt. He had been told that, in Scotland, a prisoner charged with felony was allowed the benefit of counsel; but he begged to remind those hon. gentlemen who urged that as an argument in support of this measure, that the situation of a prisoner in Scotland was different from that of a prisoner in England, inasmuch as in Scotland a majority of eight against a minority of seven was sufficient to consign a prisoner to capital punishment; and where such a majority was sufficient to award such a punishment, there might be no objection to permit counsel to urge ingenious arguments, although in England, where nothing less than the unanimous consent of twelve men could procure conviction, great objections to such a proceeding might very fairly exist. One of the strongest objections to such a proceeding arose from the fact, that the jury must be unanimous; because there was great probability that out of twelve men one might be found, upon whose mind an ingenious speech might make an undue impression. He had stated his reasons for resisting the motion, and again denied that justice was partially administered under the present system. He was unwilling to agree to any change in a system which not only ensured impartial justice, but which gave general satisfaction. He was unwilling, by agreeing to any change, to run the risk of the judge being induced to reply to the observations made by counsel. And he was also unwilling to run the risk of the jury being in-

fluenced by the concluding speech of counsel. He, at the same time, was willing to admit, that there was a great deal of difficulty in this case; that the argument was with the hon. and learned gentleman opposite as to the theory; but thinking that the proposition, if carried into effect, might be of general prejudice to the administration of justice in the country, he felt compelled to give a reluctant opposition to the motion, although recommended by its apparent connexion with the interests of humanity, by its statement upon theory, and still more by the very fair and temperate manner in which it had been introduced by the hon. and learned gentleman.

On a division, the motion was negatived by 105 against 86; majority, 69.

### STEALING IN GARDENS, &c.

APRIL 27, 1826.

MR. SECRETARY PEEL said, that he had already intimated to the House his intention to postpone the bill for consolidating the laws relative to Larceny till next session; but there was one law—that relative to stealing in orchards—which he could not consent to leave in its present state even till that period. By the law as it now stood, a school-boy stealing an apple, a passenger casually passing along a road and taking a little fruit, was guilty of a felony; and the magistrate had no discretion, but must commit for that offence. The severity of this law prevented its execution, and it failed in affording that protection to garden property which it was intended to afford. He meant, therefore, to bring in a bill to amend the law, and give a power to the magistrate to levy a fine treble the value of the property stolen; and, where the party was unable to pay this, to leave the magistrate the power of committing the offender to prison. The right hon. Secretary concluded by moving for leave to bring in a bill to amend the law respecting the offence of stealing in gardens and hothouses.

Leave given.

### CORPORATE RIGHTS IN IRELAND.

APRIL 28, 1826.

In a debate which arose on the presentation, by Mr. Spring Rice, of two petitions from Ireland, signed by upwards of 40,000 Roman Catholics,—

MR. SECRETARY PEEL said, that not having been present at the beginning of this discussion, he would refrain from entering into the general argument, and confine himself simply to saying, that he by no means acquiesced in the view, that the privileges now withheld from the Catholics were so withheld in violation of the Treaty of Limerick. It would be time enough when that argument was formally urged, to combat it, which he should be certainly prepared to do; retaining as he did his original opinion respecting that Treaty, and not concurring in the assertion, that the admissibility of the Catholics to political power had been withheld in consequence of its operation. The petitioners themselves seemed doubtful of the extent to which they meant to press their argument founded upon the Treaty of Limerick, or on that particular article of it which was framed to secure them in the exercise of their religion, as far as was consistent with the laws of Ireland. Now, did they mean that by this provision they were to be free from molestation in the exercise of their religion, or did they construe it into an admission of their claim to equal eligibility to civil office? He rather thought that they confounded both senses in their construction; for they asserted their right to sit in both Houses of parliament by virtue of this Treaty. If that were the true construction, there was an end at once to the question; but believing it not to be so, he must dissent from the view taken by the petitioners.

The petitions were ordered to lie on the table.

## CONSOLIDATION OF THE CRIMINAL LAW.

APRIL 28, 1826.

On the order for the third reading of the Criminal Justice Bill, Mr. J. Smith having alluded to the defective state of the police of the metropolis, with respect to the apprehension of offenders,—

MR. SECRETARY PEEL said, he understood the object of the hon. gentleman to be the establishment of a Board of Police, like that of the Customs or Excise, in order that there might be a regular gradation of authority in that department. He was, however, inclined to doubt the policy of such a measure. He did not consider it desirable to create any new officer with greater powers than those possessed by an ordinary magistrate. He questioned whether the erection of any intermediate authority between the Secretary of State and the magistracy in general, would not be contrary to the principles of the constitution. The police of the metropolis he certainly did not think defective. One great advantage resulting from it was, that there were always magistrates at hand, to whom the inhabitants could apply for advice and assistance. If, instead of having eight divisions, one chief officer or board were constituted, the hon. gentleman would find he had not advanced one step towards his object. The alteration would only have the effect of complicating the system of police, and lessening the authority and responsibility of the Secretary of State.

Mr. G. Lamb moved the addition of a clause, "that no indictment should be abated, annulled, or discontinued, on any plea of misnomer, or for want of addition; but that in such case, the court should have power speedily to amend the error according to the affidavits, and proceed with the trial forthwith."

Mr. Secretary Peel agreed that it was desirable that every facility for the escape of the guilty should be removed, if by so doing no security were taken from the innocent. On this principle, he saw no objection to the clause.

The clause was added by way of rider, and the bill passed.

## THE CORN LAWS.—DISTRESS IN THE MANUFACTURING DISTRICTS.

MAY 1, 1826.

Mr. Canning having moved that the House should to-morrow resolve itself into a Committee with reference to these subjects, a debate arose, in the course of which,—

MR. SECRETARY PEEL said, he hoped he might be allowed to add a word to what had fallen from his right hon. friend. It had been his painful duty to receive reports of the distress which existed, and of the disorders which arose out of it, and to take the most effectual steps in his power to repress those disorders and to prevent their recurrence. Yet, while he did this, he could not withhold the expression of his deep commiseration at the severity of the distress, or his admiration at the patience and forbearance with which (with some few exceptions) that severity of suffering had hitherto been borne in the manufacturing districts. He had every confidence in the effect of the measures now proposed, and of the exertions which he had no doubt would be made to render them still more effectual; and he hoped that this occasion would be the means of strengthening those bonds which united the higher and the lower classes in this country, by affording additional manifestations of great liberality on the one side, and of a grateful sense of it on the other. He trusted that they who were blessed with superfluous wealth would use their efforts on this occasion in the most effectual manner to mitigate, and, if possible, remove the sufferings of their distressed countrymen. Immediate and active measures for this purpose would be considered more necessary here, when it was recollected what had been already done by the charitable efforts of the local authorities and the affluent residents in the districts. In some places, three subscriptions had been already raised; in others, most liberal donations had flowed from the bounty of private individuals; and in all, the most humane exertions had been made by the rich to administer to the wants of their



poor neighbours. All these had yet been found insufficient to meet the evil; but he looked forward with a confident hope that the result of the meeting, which was to be held in the city to-morrow, would accomplish that object.

Mr. Canning's motion was agreed to.

MAY 2, 1826.

Pursuant to notice, Mr. Canning moved the order of the day for the House to resolve itself into a committee on the act of the 3d Geo IV., cap. 60, respecting the Corn-laws.

A long debate ensued; the House resolved itself into a Committee; the first resolution, that bonded corn ought to be admitted into the home market, was carried; and then the chairman reported progress, and obtained leave for the Committee to sit again.

MAY 5, 1826.

The House having again resolved itself into a Committee, Mr. Canning moved the following resolution:—"That it is the opinion of this Committee, that it is expedient to empower his majesty, by any order or orders of his majesty in council, to permit, under certain regulations, and for a time to be limited, the entry, for home consumption, of an additional quantity of foreign corn, meal, or flour, subject to the duties which may be imposed by any act to be passed in this session of parliament."

In the discussion which ensued,—

MR. SECRETARY PEEL said:—Sir, since I have had the honour of a seat in parliament, I do not remember to have heard such unfounded charges of inconsistency as those which have just been advanced against his majesty's government. I am anxious, Sir, to declare my entire concurrence in all that has been said upon the question before the committee by my right hon. friend. And, at the same time, I will again declare, that if I had now to vote upon the proposition of my hon. friend, the member for Bridgenorth, I would vote precisely as I did upon the very day to which the hon. member for Surrey has referred, the 18th of April last. Had I possessed, on that day, the gift even of foresight—and had I come to such a discussion with all the benefit of that deliberate reflection and enlarged knowledge upon the subject, which the debates upon it may be supposed to have subsequently furnished me with—and had I been cognizant of all those charges of vacillation and inconsistency which have this evening been urged against his majesty's ministers—yet, Sir, founding my decision upon what I believed to be the best ground, and with a view of ensuring, at a future day, a calm and unimpassioned discussion of the Corn-laws, I would as certainly have voted, upon looking at the present circumstances and situation of the country, against the motion of my hon. friend, the member for Bridgenorth, for entertaining the proposition he then submitted to the House, with a view to the permanent arrangement of the law respecting the importation of foreign corn. I see no well-founded charge of inconsistency against his majesty's ministers, because at this time they propose to parliament the measures which my right hon. friend has propounded to the committee;—because they are applying to the legislature for that discretionary authority, with which it may be a matter of prudence and a means of safety to invest them; or because they call for such a provision, in the apprehension that there may be a grievous pressure experienced by the people from the possible rise of agricultural produce beyond its present prices. Looking at the expediency of protecting those classes of the community who would be most affected by a rise from future pressure of that kind, my right hon. friend proposes to arm the government with powers of a discretionary nature, in order to prevent any such pressure, which might otherwise be likely to be experienced in the manufacturing districts. My hon. friend, the member for Dorsetshire, whom I have heard this evening with so much pleasure, says, that he throws back upon his majesty's government the responsibility which he considers we would throw upon the landed interest. Sir, we accept that responsibility. Our proposition is, that such a responsibility should be imposed upon those with whom alone it ought to be trusted; namely, his majesty's government. But we say to the gentlemen of the landed interest, "If you refuse us

these powers, the responsibility is no longer on our shoulders, but on yours." The whole effect of the motion which is submitted to the committee will be, to place those powers in the hands of the Executive government. My hon. friend, the member for Dorsetshire, thinks that no case is made out as to the necessity of low prices of corn. But my hon. friend, the member for Surrey, charges his majesty's government with vacillation and inconsistency; because, after negating the vote which the hon. member for Bridgenorth asked the House to come to upon the 18th of April, in respect of the propriety of remodelling the Corn-laws altogether, they now propose the admission into the country of 500,000 quarters of foreign corn. Why, Sir, if this sophistry is to avail, let me ask where is the consistency of the hon. member for Surrey himself? He says that we should have brought forward the whole question of the Corn-laws before this period. But what have been his votes on the subject? When the hon. member for Bridgenorth proposed to discuss the corn question, did he not vote against the discussion? And when it was proposed to let out bonded corn at a duty in a former year, did he not support the proposition?

Mr. Sumner.—I did not vote for it.

Mr. Peel.—But did my hon. friend oppose it? Was he not prepared to admit foreign wheat, under such circumstances, into the market? I do appeal to the landed interest, to those members of it who are now present in the committee, and to that fairness and manliness which I know them to possess; and I call upon them, if they wish to prohibit the admission of foreign corn generally, with a view to prevent competition, and have yet been willing, under some circumstances, to let it come in; if they see no inconsistency in this, I say, do let them feel rightly for those who propose to parliament a measure which may have the effect of alleviating the pressure which weighs so heavily on the manufacturing community. Sir, I can have no prepossessions against either the manufacturing or the agricultural interest. My connexions with both of them would effectually prevent me from being opposed to either. With the manufacturing interest I am connected by many important ties; but as far as personal interest is concerned, I believe I may say no man is more deeply concerned in the welfare of the agriculturists than myself. My hon. friend who spoke last has said, and I have heard the observation repeated more than once by others, that there is no use in increasing the supply of corn in this country, and lowering its price; since they who are in want of money altogether cannot buy it at any price, however low. Why, Sir, what miserable sophistry is this! To suppose that there are no classes in this country except those who are abounding in wealth, and can command all luxuries—and those who are in the other extreme, and unable to purchase even the necessities of life. But I put it to my hon. friend whether there are not between those two classes many intermediate ones, who possess, in various degrees, the means of purchasing, some of them the luxuries, some the comforts, and some the necessities, of life? Is it possible to contend that no immediate advantage will result to the other classes from lowering the price of corn to them, if it shall have attained such an additional price in the market as to render it dearer than it is at present? Look at the distressed classes of manufacturers; look at the number of unemployed persons who are suffering: at Rochford there are 10,000, at another place 12,000, at another 15,000. How are they supported at this moment? Why, Sir, they are supported by the benevolence of their neighbours. And if the effect of the measures proposed by my right hon. friend be to enable those neighbours, with the contributions raised for their relief, to purchase additional supplies of corn, to be afforded to those who have no means of purchasing it, what folly is it to contend that lowering the price of corn, and thereby enlarging the quantities which such monies will purchase, will not relieve the unfortunate people in question? When my hon. friend says that no case had been made out, I would ask what it is he means? Quite sure I am that I may appeal to the committee whether, in the very fact of those existing distresses, such a case is not made out? I am so confident that the general conviction of the distress which now prevails in the manufacturing districts must have come home to the mind and knowledge of every man, from the information which has been supplied on that head by the daily newspapers, as to be perfectly satisfied that the same motives which induce parliament to concur in the proposition for letting out the bonded corn, will also induce it to give a discretionary power to the government to do precisely the same thing, or a measure of

similar effect; that is to say, to admit 500,000 quarters of foreign corn into our ports. I have listened with great attention to the arguments of my hon. friend, the member for Somersetshire, but he seems a little to misapprehend the propositions of my right hon. friend. My right hon. friend does not propose, as the hon. baronet supposes, a specific duty of 10s. the quarter on the corn so to be imported. But why does my hon. friend, of all men, assuming even that his notion is correct, enter his opposition to such a duty? In the last year, when foreign corn was admitted, it was admitted at 10s. only; and this 10s. has since been assumed, I think, as the maximum of duty to be imposed on future importations. But in point of fact, Sir, in the very first instance, when some vague proposition was made on the subject, 12s. was suggested by my right hon. friend. He departed from the precedent of the former year: he did not take 10s. a quarter, but he did take 12s. per quarter for the new duty. How can there, I ask, be a more conclusive proof than this, that if the duty now to be fixed were a definite duty, it would be likely, even at 12s., to be permanent or prejudicial to the landed interest? But my hon. friend, the member for Somerset, is alarmed, because, as he observes, we positively mean to admit 500,000 quarters of foreign wheat. That, Sir, is by no means necessarily the case. My hon. friend, upon looking at the bill about to be brought in, will find that there is an express provision in it,—in the event of 200,000, or even 100,000 quarters proving sufficient to meet the exigency of the case,—that there shall be no obligation upon his majesty's government to admit the whole 500,000 quarters. The 500,000 quarters compose the maximum quantity, which, in any event, can be admitted in virtue of this proposition; but there is an express power to limit the amount of the importation to any degree, according to circumstances. There is another observation (to which I have before had occasion to reply) that I have heard again suggested; namely, it has been said, that to pass these measures would be to make an unbecoming and dangerous concession to an infuriated and destructive mob. No man, Sir, would be more disposed to resist and oppose any concession of that kind than I should be. From such a quarter, no man could be less willing to countenance any demands, be they what they might, than myself. But when I am told of unworthy concessions, let me observe, Sir, that there are two sorts of courage which may be displayed in respect of them: there is the courage of refusing to accede to such demands at all; and there is another kind of courage—the courage to do that which in our conscience we may believe to be just and right, disregarding all the clamour with which these demands may be accompanied. I fairly own that I feel it to be in our power to manifest this species of courage, and to laugh at the clamours of the mob. In England, after all, Sir, the mob can do nothing. There is a pervading power in this country, a moral feeling, that can at all times put down any mob. Do not let us, therefore, refuse to take these, or any other, steps which we believe to be right, from any pusillanimous apprehensions of the power of the mob. Now, Sir, I have no hesitation in saying, that the disturbances which have occurred at Manchester and its neighbourhood have been greatly exaggerated. I see it stated in the papers, that for months past applications have been made to me, and requisitions sent up for reinforcements, which have been withheld. I will venture to say, that at no former period of our history have such charges been so utterly unfounded. I have no hesitation in declaring that, suspecting the probability of such disturbances as these, I, months ago, took the precaution, without any application from the northern districts for the purpose, of establishing double the military force which had been for the year preceding stationed in those quarters. I make this assertion, because I see it elsewhere stated, that if these applications had not been neglected, and if more assistance had been supplied, the outrages which have been committed might have been obviated. I say broadly, that such assertions are totally unfounded. I say that which I believe can be rarely said, that not only was the force in question double, without any application made to me from those districts; but that no applications which have ever been made to me on this subject have ever been neglected. But the fact is, that it is in the power of a very few persons to do a great deal of mischief. Where there is no military force established in the neighbourhood, a very few persons may assemble together, and, attacking a manufactory a few miles distant from a town, break into it, and soon destroy a few power-looms. What, however, I am most anxious to impress upon the committee is, the erroneousness of the ap-

prehension, that any mischief can ensue, in the way of a dangerous concession, from the simple measure now submitted to it. For, although excesses have been committed, yet, by the exertion of the energies of government, I hope that their continuance has been repressed; but I feel called upon to say that, in many places where distress has existed to a great extent, the privations have been borne by the lower classes with fortitude and forbearance. There have been no disturbances in Yorkshire, where much pressure and inconvenience have been felt; except, indeed, at Bradford, where they have not been carried to any great extent. Yet I must reject the imputation, that his majesty's government have adopted this measure on account of the clamour that has been raised against the Corn-laws; and I must also deny that the measure is calculated to produce an addition to the poor-rates, by throwing the agricultural labourers out of employ, as has been urged; as I think that circumstances may occur in which the admission of foreign corn may tend to reduce the poor-rates. The hon. member for Somersetshire has charged us with proposing the measure to parliament, without stating facts to support it. We reply, that it is not on facts that it is grounded; it is only on contingencies, as, in the event of the next harvest failing, we deem it to be the part of a wise and prudent government to arm itself against necessity; but still the case is not so denuded of facts, but that many might be adduced in support of the measure. I hold in my hand an account of the prices of corn in the last year and in the present, and I find them to be nearly equal; and I cannot account if there be, as is said, a superabundance of corn in the country, how it happens that it should for so long a period maintain its price; because, if we look at the prices of other commodities in the year 1825 and at the present period, we shall find a great disparity: as, for instance, the price of cotton varied in that year from 9 $\frac{1}{2}$ d. to 12d., the present price is from 4 $\frac{1}{2}$ d. to 6d.; Pernambuco had fallen nearly 100 per cent, as, in 1825, it was from 1s. 7d. to 1s. 8d., now it is from 10d. to 11d.; coffee was from 8s. to 86s., now it is from 44s. to 52s. In all those articles the depression had been tremendous; sugar had fallen from 70s. to 50s.; rum from 2s. 2d. to 1s. 8d.; tallow from 44s. to 32s.; while wheat, which was last year 66s., is now 61s.; and oats, which were 27s., are now 23s. In these circumstances alone, Sir, I think there are facts enough on which a presumption may be founded, that there is not a superabundance of wheat in the country; and, therefore, my right hon. friend requires that the government should be armed with the power of admitting foreign corn, in case events should render it necessary, for the purpose of avoiding the inconvenience that must ensue, if such an important article should, by any casualty, attain to a very high price. It is a delusion to suppose that foreign corn is, by the present law, admissible directly the price of corn actually reaches 80s. That is not the law. The price must be regulated by a long course of averages, so that corn might be, in fact, at 100s., and yet the ports could not be opened for the admission of foreign grain, unless the average of a number of years would make the price of it 80s. In stating this fact, I think I perceive a change in the face of an hon. member, which indicates that I here give a solid reason why the whole question of the Corn-laws might be at once opened to a full consideration and discussion; but I take the present measure to be the more simple one, and the better calculated to meet the anticipated emergency; and if I am called upon, I shall be ready to vindicate that opinion. The whole question must undergo a revision in the next session of parliament: and if ever there were a measure calculated to ensure a thorough and an impartial consideration of the Corn-laws, that measure is the one which my right hon. friend has this night propounded. A large majority of this House decided the other night, that the present period was not a fit one for the consideration of this question, and had seen full reason to postpone it till the next session. My right hon. friend has almost exhausted the constitutional part of this question; yet, perhaps, I may be permitted to say a few words on it. His majesty's ministers have thought it right to ask parliament for its consent to enable them to open the ports, if such a measure should be found necessary, rather than, after having exercised such a power without the sanction of parliament, to have to apply to the House for indemnity for so doing. We have, Sir, the precedent of the year 1766 before our eyes; and we there see how the ministers of that day were charged with treating the parliament with disrespect for not having furnished themselves with its authority, in circumstances exactly similar to the present. The parliament, in May 1766, was petitioned

by the lord mayor and corporation of London, to adopt some measures to prevent the exportation of corn at a time when a scarcity was anticipated; that, as well as other petitions, was neglected. In June the parliament was prorogued, without having taken any steps to provide against a scarcity; and before it re-assembled, corn had reached so high a price, that the king was advised to issue an order in council, laying an embargo on the exportation of that article. The conduct of the king's ministers on that occasion was severely arraigned, and the gravamen of the offence charged upon them was the not having foreseen, and constitutionally provided against, such a calamity. The king summoned the parliament in November, and at the opening of it addressed it in the following words: "The high price of wheat, and the defective produce of that grain last harvest, together with the extraordinary demands for the same from foreign parts, have principally determined me to call you thus early together, that I might have the sense of parliament, as soon as conveniently might be, on a matter so important, and particularly affecting the poorer sort of my subjects. The urgency of the necessity called upon me, in the mean time, to exert my royal authority for the preservation of the public safety against a growing calamity, which could not admit of delay. I have therefore, by and with the advice of my privy council, laid an embargo on wheat and wheat-flour going out of the kingdom, until the advice of parliament could be taken thereupon. If further provisions of law be requisite or expedient with regard to the dearthness of corn, so necessary to the sustenance of the poorer sort, they cannot escape the wisdom of parliament, to which I recommend the due consideration thereof." On that occasion, very angry and lengthened debates had taken place as to the disrespect with which the parliament and the country had been treated by the ministers of the day, for attempting to screen themselves under an act of indemnity, instead of fore-arming themselves with the authority of the parliament for their proceeding; and I have no doubt, Sir, that if we were now to suffer the parliament to separate, and if, after its separation, a case should arise to render the introduction of foreign corn a matter of absolute necessity, that the king's ministers would be threatened on all hands with an impeachment, and every word that had been used against the government in the year 1766, would be triumphantly thrown in our teeth. Lord Mansfield had, in the course of the discussion that had taken place on that occasion, used these words:—"I will say, in general, that he is not a moderate minister who will rashly decide in favour of prerogative in a question where the rights of parliament are on their side: and I am sure he is not a prudent minister who, even in a doubtful case, commits the prerogative by a wanton experiment to what degree the people will bear the extent of it. But, my lords, rashly and wilfully to claim or exercise as prerogative, a power clearly against law, is too great boldness for this country; and of all things in the world, the suspending or dispensing power, that edged tool which has cut so deep, is the last that any man in his wits would handle in England; that rock, which the English history has warned against with such awful beacons;—an attempt that lost one prince his crown, and another both his crown and his head; and at length expelled their family out of this land of liberty to the regions of tyranny, as the only climate that suited their genius and temper—a power, the exercise of which stands branded as the subversion of the constitution, in the front of that truly great charter of your liberties, the Bill of Rights. A minister who is not afraid of that power, is neither fit for the sovereign nor the subject. I love a bold minister when he keeps in the true sphere. In times of distress and danger, boldness is a jewel; and, with joy, I have seen bold, even wild, enterprises succeed, though hardly within the die when undertaken. But the enemies of our country are the proper objects of our boldness—not the constitution." Now, Sir, supported by this authority, I call on the House to grant to the government that power which alone may be exercised by them, without infringing on the principles of the constitution; a power intended only for the prevention of public calamity; a power calculated for the general safety of the people; and as a friend of the agricultural interest, and convinced that the exercise of that power cannot be injurious to the possessors of land; and anxious as I am for the permanent and satisfactory settlement of the law respecting the importation of foreign corn, I deprecate most earnestly the rejection of my right hon. friend's resolution.

The resolution was carried.

MAY 8, 1826.

In the debate on the order of the day for resuming the report of the Committee on the Corn Laws,—

MR. SECRETARY PEEL protested, that nothing on a former evening could have been further from his intention, than to fix either the amount of protecting duty or the maximum of price at which foreign corn should be imported. This he would say, that the prices fixed by the existing law, 80s. and 60s., were commonly supposed to be the maximum prices at which corn could be obtained. But this he had observed was a mere fallacy; for in three weeks after striking one of the quarterly averages, corn might run up to 100s. or even 110s., but until the next average no foreign corn could be imported. As for naming any price, however, which would be a fair remuneration to the British grower, and be proper for parliament to adopt, he begged to assure the hon. gentleman that he must have been misunderstood, if supposed to have done so.

MAY 11, 1826.

In the debate on the order for the second reading of the Corn Importation Bill,—

MR. SECRETARY PEEL regretted very much that the noble lord (Milton) had made a speech, which, with whatever good-humour it might have been delivered, was, in consequence of the introduction of some topics, calculated to interrupt the temperate and moderate course in which the debate had hitherto proceeded. An opportunity had been taken by the noble lord to involve the House in a very important discussion, which, however fit for consideration on another occasion, was certainly rather ill-timed on the present [cheers, with cries of "no, no!"]. When he heard it preferred as a charge—

Lord Milton.—Not as a charge.

Mr. Peel continued —Well, then, when he heard the landed interest referred to as having supported the government at an arduous crisis, he felt that they had a right to look back to what they had done with conscious pride and satisfaction, considering the glory their country had acquired, and the services they had rendered it. Though he supported with the greatest cordiality a measure opposed by many of the country gentlemen, he yet felt it his duty to vindicate them from a charge to which he felt they were not obnoxious. The noble lord said, they were unwilling to submit to the reduction of their rents and their extravagant profits. It was not more than three or four years since agriculture had been suffering great distress, and during the whole interval the price of corn had not been such as to afford any exorbitant rent. In fact, the agricultural interest was now only just recovering from the depression of 1821. He was not disposed to go at length into the general merits of the measure before the House. These had been already ably discussed. With respect to the two suggestions of the hon. member for Brecon, and the hon. member for Wootton Bassett, he was not able, at that moment, to form an opinion; and he requested the House to give them a deliberate consideration before they adopted them. The present measure appeared to him more fit than any other for the exigency, as it left every thing else indefinite, and purposely avoided any intimation of opinion with regard to the general question. Another suggestion made by an hon. gentleman was one that required very serious deliberation. He had no doubt it originated in the best intentions, but he saw many difficulties in the way of its being carried into execution. He would not then go into the question, whether public aid ought to be granted to the distressed manufacturers. But he would state his opinion, that if aid were to be granted, the direct course was to be preferred. Many objections arose as to the details of this proposition. The remitting of the duty on the corn taken out of bond, for the relief of the distressed, would give a preference to those places which were in the neighbourhood of the warehouses where the corn was lodged. Those who were distant from the ports would not have the same opportunity of benefiting themselves. Another objection was, that it would give a premium to the purchase of bonded corn. It was desirable, however, that the home-grower should stand at least on the same footing with the holder of foreign

corn. On any future occasion the same course would, in all probability, be called for. He would therefore rather that direct aid should be given from the Treasury. He had never given a vote in that House with a more perfect conviction that the measure he supported was not only favourable to the general interests of the community, but he wished it to be distinctly understood, that he considered it to be expressly and mainly for the interest of the agriculturist, concurrently with all the other great interests of the country. There were three courses which the House might pursue. The first was, to enter on a general discussion of the whole question; but on that point the House had thrice decided, and he therefore did not think it necessary to consider that. The other two courses were either to leave things as they were, or to pass the bill; and he was prepared to contend, that to pass this bill was more conducive to the advantage of the landed interest than to leave things as they were. If this bill were passed, what would be its effect, in case corn did not rise? None, for then it could not come into operation. In case corn did rise, it would provide against an emergency calculated to cause much evil in the country. Taking the average price of corn during the last twenty-five years, it was evident that the chances were not so few as to make it certain that such a contingency would not arise. Looking upon the situation of the country, it was evident that some preparation ought to be made; for a new parliament was of necessity to assemble soon. In case the emergency arose during the dissolution, how was the executive government to proceed, if a state of distress like the present should arise? The distress of the present moment was owing to the glut of the market, caused by the over speculation of last year; and that a state of distress might again arise, none could attempt to deny. The probability of it was evident from the average prices of corn during the last twenty-five years; in sixteen years of which it had exceeded 70s. per quarter, and in eight of which it had been more than 90s. Was not this contingency to be guarded against? The remedy for the evil was not to be procured at the moment. It ought to be provided beforehand. As to the amount of corn imported during that period, he found, by consulting the returns, that during nine years of those twenty-five, the quantity imported had been more than 9,800,000 quarters, making an annual amount of about 1,100,000 quarters, which left for each quarter of the year about 290,000 quarters. Now, the amount of foreign corn and flour in the warehouses, did not exceed 290,000 quarters, and the whole contingency of importation, of which so much apprehension had been excited, did not amount to more than 800,000; a quantity of trifling amount compared with the annual consumption. What measure, therefore, could be more advantageous to the agriculturists than the present, which would prevent the possibility of having recourse to dangerous and sudden importations during the summer, and would render it imperative on a new parliament to enter upon that important topic? He disclaimed for himself and his colleagues all motives arising from fear, alarm, or distress. They were actuated by far different feelings—by the necessity of preventing a scarcity of food in the country, as well as a hasty decision of the Corn-laws from being made. By giving to the government the power which it sought for at present, the country gentlemen would place those laws beyond the reach of any sudden alteration, and would enable themselves to enter next year into a fair and full discussion of them.

The motion for the second reading was carried, on a division, by 189 against 65; majority, 124.

## THE COURT OF CHANCERY.

MAY 18, 1826.

The Attorney-general, at the close of a speech of great length, moved "That leave be given to bring in a bill to regulate the Practice of the Court of Chancery."

In the debate which followed,—

MR. SECRETARY PEEL wished to say a few words on this question; but the moderate tone in which it had been discussed, and the considerate forbearance which had been evinced by the hon. and learned member for Lincoln, in not pressing his motion for referring the report to a committee at that late period of the session,

would prevent many observations on his part, with which he might otherwise have been obliged to trouble the House. The object of his hon. and learned friend, the Attorney-general, was merely to get the bill printed, in order that a full opportunity of considering and examining into its principles might be afforded before next session. This was not the precise time for discussing those principles. He could not however, avoid saying, that the hon. and learned gentleman who had just sat down had not dealt fairly with that report. He had not treated it with his usual candour and justice. He had said, that the report had dealt very lightly on the subject of delay, and represented that a chancery suit might be beneficially carried on for fifty years. Now, the report had only said, that there was a great popular misunderstanding on the subject of delay, and shown, that in cases of trusts, and in matters relating to infants, it might often happen of necessity, that a cause must remain in that court for a great many years; and indeed, when it was recollected that property might be tied up for a life in being, and one-and-twenty years afterwards, during all which time the administration of it might unavoidably be under the direction of a court of equity, it would be readily seen that it might very possibly happen, without any delay, mismanagement, or prejudice, that a cause might remain in that court for half a century. It was to evince this, and correct a popular error, and not to palliate any culpable delay, that the statement was made in the report which had been alluded to by the hon. and learned member. Neither had the question as to the separation of the bankruptcy cases from the great seal been quite fairly stated by the hon. and learned member. Certainly, Mr. Shadwell had advised such separation; but then he was the only witness (and many other witnesses of the greatest knowledge, experience, and ability had been examined) who had recommended this; and Mr. Shadwell himself had proposed, that the bankruptcy business should be committed to four or five judges to be appointed for this purpose. The commissioners said, "We must pause before we can recommend the transfer of bankruptcy from the business of the lord chancellor; we have another expedient, which we consider to be sufficient to remedy the existing evil. If experience prove that the time of the lord chancellor is not sufficient for performing the business of bankruptcy and the ordinary business of his court, there is no alternative but to transfer it away from him." They added, however, this important remark to it—that the knowledge required to decide in cases of bankruptcy comprised a complete knowledge of the practice in equity; that the business in bankruptcy was not sufficient to occupy the entire time of one judge; that it was of a nature which required the existence of a court of appeal; and that the course which they recommended for adoption appeared in many points of view less open to objection than the entire transfer of bankruptcy from the court of chancery. His hon. friend, on the other side, complained that the commissioners had not gone far enough in the recommendation which they offered to the House; whilst others of his hon. friends, and especially some near him, complained very loudly that the commissioners had gone too far, and had even sanctioned, by the innovations which they proposed in their report, certain attempts which had been made to degrade the character of the lord chancellor in the eyes of the country. What did he infer from these conflicting opinions? That the commissioners had steered sufficiently between the two extremes, and had submitted such propositions to the House as they deemed wise and necessary, even though they knew that such propositions must lead to very extensive innovations and reforms. He was likewise surprised at the different views which the hon. and learned member for Lincoln had taken of this report, on the present and on a former night. He had formerly complained that it contained 180,000 different propositions: he had now reduced them very quietly down to 187. He had formerly complained, that the report contained too much—he had now changed his note, and had found out that it contained too little. In the course of his speech he had declared that there were most important omissions in it. He had lamented, that the commissioners had not entered into the question of conveyancing, or into that of injunctions, or into that of contempt. Now, if the commissioners had entered into the consideration of these questions, it was his opinion that they would have entered into the consideration of an inquiry that was not referred to them. As he was convinced that the present was not a fit period for entering upon this discussion, he should conclude the few observations which he had to make upon this



subject, by saying a few words upon the charge which had been made against the lord chancellor, in respect of the delay which was said to occur in the pronouncement of his decisions. Now, he would beg leave to read to the House part of the evidence on the degree of delay that was imputable to the lord chancellor. The evidence to which he wished more particularly to call the attention of the House was that of a gentleman whom he had not the honour to know personally, but who possessed a very high character for talent and integrity—he meant Mr. Basil Montagu. That gentleman began by stating, that there were not two men in the world who differed more widely upon all political questions than himself and the lord chancellor. He was, therefore, an unprejudiced witness on the subject. He further stated that with the late Sir S. Romilly he had lived and acted, and that it was his pride to reflect on the long and sincere friendship which existed between them. He said, “There are delays in the pronouncement of the judgments which the lord chancellor is called upon to give. I cannot deny it; but I impute them to three distinct circumstances. The first is, that the lord chancellor takes a different view from that taken by his predecessors of his duties as a judge; for he feels himself called upon to decide, not only on the law, but on the controverted facts of the case. Other judges had referred the decision on controverted facts to a master or to a jury: but the lord chancellor makes up his mind to the facts as well as to the law in all cases of bankruptcy.” Mr. Basil Montagu then stated, that he agreed with the lord chancellor in the opinion which he had formed of the duties which his situation as a judge had imposed upon him in this respect. Would any man therefore condemn the lord chancellor, because he felt it to be his duty to make up his mind upon controverted facts, and because he took some time in doing so, with a view to save the suitors of his court the various expenses of litigation? It might be easy for the lord chancellor to act upon precedent, and to devolve such considerations upon other parties; but he conceived it to be his duty not to follow such a course, and he acted upon it, regardless of the imputations to which it was almost certain to expose him. The next case mentioned by Mr. Basil Montagu was, that in all cases of bankruptcy there was no appeal from the lord chancellor’s decision. The parties came to him as appellants from the judgments of the vice-chancellor, and the consequence was, that the lord chancellor naturally paused before he decided upon them, as he knew that there was no appeal from his decision. The third cause was one which he considered to be an honour to the lord chancellor—the particular constitution of his mind, and his extreme anxiety to decide justly. Now, if the delay imputed to his lordship arose from his indulgence in pleasure or in frivolous amusements, he should be one of the first to condemn it; but if he saw a man devoting twelve out of the twenty-four hours, without remission, to the public business, and allowing himself no longer a vacation than three weeks out of fifty-two, he would pass over with a light hand the venial fault of him who decided slowly, from the peculiar constitution of his mind, and his ultra anxiety to decide justly. Mr. Basil Montagu, who was the antipodes to the lord chancellor in politics, further went on to say—“These two circumstances have occurred within my knowledge. In the case of Blackburne, which I argued two or three times, I certainly never was more satisfied in my life with my own argument than I was then. I mentioned it again and again to the court, but I could not obtain judgment. At last the lord chancellor stated, that he had been deliberating upon the case for many hours during the night, and that there was one point which had escaped me in my argument to which he wished to direct my attention, and he was pleased to direct my attention to it, and to desire it to be re-argued; and upon re-arguing it, I was satisfied that he was right, and I was wrong; and, whatever may have been the cause of the delay, the consequence has been, that he has prevented the injustice which I should have persuaded him to have committed. Not only in that case was there an advantage to public justice from the delay which took place, but there would have been, had the lord chancellor come to a hasty decision on the case, a false light set up aloft to allure other judges to erroneous decisions in future.” Mr. Basil Montagu then proceeds—“I beg also to mention another case (*ex-parte Leigh*), which will be found in ‘*Glyn and Jameson*,’ 264,—the case of a *habeas corpus*; where, to my knowledge, the prisoner was detained illegally, upon an affidavit upon detainers for debt by a Mr. Claughton (I think for £10,000.) The court of King’s-bench refused to discharge him.

I presented a petition to the chancellor on behalf of the bankrupt, being convinced that the decision of the court of King's-bench was erroneous; and, it being in the case of the liberty of a prisoner, the chancellor heard it immediately, and took the trouble of applying to the chief-justice of the court of King's-bench, and after deliberation, thought it his duty to reverse the judgment, and to order him to be discharged; and, but for this care and deliberation, I am satisfied he would have been in prison at this moment, as I know the hostility between these parties is continuing to this very day." Now, if one counsel could state such facts as these as occurring within his own knowledge, he thought that if other counsel would be equally explicit, it would be proved, beyond all dispute, that the delay of which the lord chancellor was accused could not produce much danger to the interests of public justice. He contended that the conduct of the lord chancellor in the administration of his court was such as to entitle him to lasting honour. When he heard the learned lord blamed for not having made the reforms in his court which were now recommended, he would say, that nobody would have given his time to such a pursuit more readily than his lordship, had he had any time to bestow upon it; but, absorbed as he was in the various duties of his office, he had not the leisure to consider such reforms with the necessary deliberation. He conceived that the presence of the lord chancellor before the commission, on all occasions where his presence was necessary, and his absence on all occasions where his presence was likely to exercise any control over the witnesses, were facts which must tell to his immortal honour. In conclusion, he said that though he might have spoken warmly in defence of an individual whom he was proud to call his friend, he had done nothing more than an act of justice in vindicating the ability and industry with which the lord chancellor, now an old man of seventy-six, performed the duties of his office; who, though he might be accused of delay, had not had his motives impeached by a single voice in that House, or been blamed by any one for having devoted his time to frivolous or even pleasurable amusements.

Leave was given to bring in the bill.

## STATE OF THE CURRENCY.

MAY 26, 1826.

MR. SECRETARY PEEL, having brought up the report of the select committee on the Banking System of Scotland and Ireland, Mr. Tierney, on the motion that the said report be received, spoke at considerable length in deprecation of the measure.

MR. SECRETARY PEEL in reply said, that in rising to address himself to this subject, he felt that he was placed in a most embarrassing situation, owing to the extraordinary manner in which it had been introduced by the right hon. gentleman. It should be recollected, that the report which the right hon. gentleman had made the subject of remark, was not in the possession of a single member; neither was any individual, except those who attended the committee, acquainted with the evidence on which that committee had arrived at a certain conclusion; and when this was the acknowledged fact, was it not utterly impossible for those to whom the right hon. gentleman had made his appeal, to come to any fair or prudent judgment? The committee had continued their inquiry until a very late period of the session. They had laboured until no more time remained than was sufficient for the consideration of that evidence on which they had formed their judgment; and he hoped the House would suspend their opinion until that evidence was laid before them. He never sat on a committee that was more disposed to listen to every representation. He never sat on a committee that was more disposed to cast aside every consideration, and every proposition, except what was connected with, and founded on, the statements of those who were examined. The right hon. gentleman had asserted, that the conclusion to which the committee had come was an entire departure from the principle which ministers had originally laid down—that it was wholly at variance with the previous declarations of his majesty's government. Now, he denied that his majesty's ministers had ever made such a declaration as that which was imputed to them. His majesty's ministers never expressed it to be their opinion, that the application of the law, which abolished

the circulation of small notes in England in 1829, must necessarily be extended to Scotland. Why, indeed, should they come to such a conclusion? That measure, which the right hon. gentleman had described as totally inconsistent with the principle previously laid down by ministers, was neither more nor less than a return to the state of things which existed in this country prior to 1797. Supposing cash payments, to the fullest extent, to be resumed in 1829—suppose that measure to be sanctioned by the legislature (and that was the system to which he was decidedly friendly)—could that be deemed a departure from the principle previously advocated by ministers? Was not that the system under which he himself admitted, that the country had flourished up to 1797, when the restrictions were by law imposed on the Bank of England? Prior to that, England had a metallic currency as the basis of its circulation. For twenty years preceding the Bank Restriction Act, that was, from 1777 to 1797, it was illegal in any body to issue notes below £5. Before that period, there were no notes in circulation under £5, and the circulation was, for every practical purpose, composed of the precious metals; but, from 1777 to 1797 (when our commercial transactions were on a greater scale than they had previously been), it was rendered unlawful by act of parliament to issue notes for less than £5. But what was the case with respect to Scotland? Why, during the whole period that had elapsed since 1700, there had existed, in point of fact, a small-note circulation in Scotland, and nothing else. He would not exactly say “nothing else,” because he did not wish to state any thing incorrectly; but, for twenty years preceding the union with Scotland, the small notes practically had the effect of preventing a metallic circulation. In 1775, it was calculated by Dr Adam Smith, that there was in Scotland gold in circulation to the amount of £500,000; but the quantity which was in circulation just preceding the Bank restriction was not worth speaking of. Now he would venture to say, that before the present session of parliament no person had ever thought of, at least no person had proposed, that the permission to issue notes below the value of £5 in Scotland should be done away with. In 1810, a committee was appointed to consider of the resumption of cash payments. That committee entered into the whole subject, and came to this conclusion, that cash payments should be resumed in two years from that period; but that committee did not recommend that, with the resumption of cash payments, the issue of notes under £5 in Scotland should be done away. In 1818, another committee was appointed to consider the state of the whole circulation in the country. That committee made a report; but no part of it recommended, that in Scotland the privilege of issuing notes of £5 and under should be taken away. He did not, however, mean to say that the committee forgot that subject—it was not a lache on their part. No, they had evidence before them with respect to that question. Mr. Gilchrist was examined, who informed them, that for a century preceding Scotland had an issue of bank notes under £5; but the committee did not think it essential to the principle which they then laid down, that Scotland should at that moment be compelled to issue gold. That formed no part of the plan which he himself, as chairman of the committee, brought forward in 1818. It was not at that time deemed necessary to interfere with the Scotch currency. There was then the practice of a hundred years previous to 1797, and there was also the fact, that the reports of successive committees never did state that it was absolutely necessary, in returning to a stable and solid currency, that the system which had been so long adopted in Scotland should be altered. He would then ask the right hon. gentleman to state on what declaration of the government it was that he founded his accusation? He protested that he knew nothing of it. His own feeling was, that the measure should be extended to Scotland—but certainly not without an enquiry. He could not see where Lord Liverpool had, in the slightest degree, committed himself. To prove that the noble lord had done so, the right hon. gentleman referred to the noble lord's letter to the Bank. Now, if he wanted to show that Lord Liverpool had not committed himself, he would quote that very letter. His lordship there gave his view of the case to be, that the state of the gold circulation was not the cause of the distress. He alluded to the year 1793, and observed, that though there was no issue of one-pound notes then, there was at that time very great distress. His lordship distinctly stated, that in 1793, when that distress prevailed, there was a metallic circulation; and therefore, he came to this conclusion, that the issue of paper in the instance then immediately

under consideration had not the effect of creating the distress which he was anxious to remove. By the act of 1819, it was directed, that in 1822 the Bank should resume cash payments, and that two years after, both the country banks and the Bank of England should be restricted from the issue of small notes. With the exception, therefore, of the difference between 1824 and 1829, the plan adopted by his majesty's government would, in every point of view, have the effect of bringing into full operation the recommendation of the committee, with which the measure of 1819 originated. It would provide, that the basis of the circulation should be a metallic currency; but, under the peculiar circumstances of the case, it was not thought necessary to interfere with the currency of Scotland. Long since it had appeared to the Earl of Liverpool, that there was something unsound in the banking system; and when Mr. Vansittart was in office it was proposed that the bankers should find security. The Earl of Liverpool, at that time, acted from his own view of the case, without having recourse to evidence. The proposition then made was to call on the bankers of England to find security for their issue of one-pound and two-pound notes. And what was the conduct of the right hon. gentleman on that occasion? He turned round, and said it was a measure which Mr. Pitt, in the very zenith of his power, would not have attempted without due inquiry. That was the very course which was taken on this occasion. A committee was appointed to inquire into the subject; but the right hon. gentleman was not satisfied with that proceeding which he had himself formerly contended for. If he wanted arguments to prove the necessity of grave and serious inquiry—if he wanted reasons to show the propriety of appointing a committee—he could find them in abundance in the speech of the right hon. gentleman, to which he now alluded. When the Earl of Liverpool acted without a committee, the right hon. gentleman was ready to move for one; and when the noble lord acted with a committee, the right hon. gentleman said, "I disapprove of that course, and think the measures ought to have been at once taken at the table of this House." He would contend that, in proposing that a metallic circulation should be the basis of the currency of this country, there was nothing inconsistent with permitting the paper circulation of Scotland to remain; neither was there any thing inconsistent with the principle on which he proposed that cash payments should be resumed (a principle to which he adhered as firmly as the right hon. gentleman did); nor, in fine, was there any thing inconsistent with the declaration made by his majesty's government at the beginning of the session—He now came to consider whether the decision of the committee could be defended as wise and prudent; and he called on the House to suspend their judgment until they had seen the evidence. The right hon. gentleman said, he deprecated the publication of the evidence, because it contained many statements that would support the doctrines of different pamphleteers. The right hon. gentleman further stated, that he did not complain of the report, although it embraced certain points which he condemned. Now, the right hon. gentleman must know, that individuals would give their evidence in that way which pleased them best; and if they stated matter that went to the support of any absurd principle, the right hon. gentleman must feel, that it would be far more difficult to expunge that part which he might object to, than to give the whole examination without curtailment. For the first time the circulation of Scotland was, on this occasion, brought before a committee. As he had said before, his opinion was, that the system which had been laid down for England should be extended to Scotland. He had gone into the committee with that impression; and he thought that all general reasoning was in favour of that principle. He himself examined many of the witnesses, and he threw on them the onus of proving that Scotland formed an exception to the application of the principle.

It was represented to him, after the committee had been formed, that it was not fairly constituted, and that Scotland was not duly represented. He acceded to the proposition for extending the number, and an hon. gentleman opposite was added to the committee. He knew that that hon. gentleman's opinion was hostile to a change in the law; but he agreed to the suggestion, because he wished to avoid the appearance of any thing like partiality. The hon. member for Malmesbury also proposed, that the hon. member for Aberdeen should be added to the committee. This proposition was met with the same fairness; and that hon. gentleman was also appointed on the committee. On general reasoning, he certainly conceived that the same principle ought to be applied to Scotland as to England. But, when they had heard the evi-

dence, the committee came to this conclusion, "That, under existing circumstances, they could not recommend a change in the law which had prevailed in Scotland for upwards of a century; and that another trial should be made to see how far a paper currency in Scotland was compatible with a metallic currency in England." He did not think it could be said that they had pronounced, by this declaration, a decided opinion in favour of the Scotch system. They had listened to, and set forth, the arguments for and against that system, and they had stated their own opinion, "That, under existing circumstances, they were not prepared to propose an alteration of the law." But they added that new circumstances—the increase of wealth, trade, and population, in that country—might arise, which might call for an alteration of the system. That was, he conceived, a fair way to treat the question. Were they not, under all the circumstances, justified in stating, that they did not think it expedient to alter the system at this moment? He believed it was by no means an over-statement, that there was a universal impression in Scotland in favour of the existing system. He, however, would declare for one, that he was prepared to have disregarded that feeling, if conclusive evidence had been adduced on the other side. He believed that the system of a paper currency was advantageous to the bankers and traders of Scotland; and therefore he was prepared for a general concurrence of opinion on that subject throughout every part of Scotland, so far as those bodies were concerned. But he was of opinion that the House of Commons was, practically, capable of forming a more accurate opinion on the question of currency than any body of persons out of doors; and if he had thought it better, under all the circumstances disclosed in evidence, that the system which had been so long continued in Scotland should be departed from, he certainly would not have abandoned the alteration. Ten or eleven gentlemen from Scotland were examined, and he regretted that, from circumstances which he need not mention, the enquiries of the committee were not more extensive. But he was bound to say, that all the opinions of those gentlemen, and most of their facts, were in favour of the present system. What were those facts? In the first place, they were told that the practice had existed in the best days of Scotland, a hundred years before the year 1797, and those who were interested naturally asked, "Why should you disturb us, who have prospered under this system? Why meddle with us, who have never interfered with you?" They also called the attention of the committee to the country banks of England. Here he begged leave to observe, that he never threw any slur on those banks. He would say of the country bankers, not that a few of them were respectable, but that, taking them as a class, they were most respectable. And the very best thing that could be done for them was, to remove that imperfection in their system which had operated unfavourably to them in the public mind. The system was doubtless defective in practice; and the conduct of some individuals had not tended to improve it. A return had been laid before the committee, of the number of bankers in Scotland who had become insolvent, from the 1st of January 1816 to the present time, and a similar account had been made out with reference to England. When he compared the result, he was astonished. He could not help making that comparison; but he did not do it for the purpose of casting any reflection. He found, that in Scotland there was but one application, since 1816, on the part of an insolvent banker, while in England, during the same period, there had been 158 commissions of bankruptcy sued out against bankers. [Mr. Tierney said, "That is the fault of the system."] The right hon. gentleman observed, that the system was to blame. He admitted the fact. God forbid that he should impute the circumstance to any wrong or improper cause! But the remark of the right hon. gentleman was precisely the same that was made by the people of Scotland. They also exclaimed against the system pursued in this country, and extolled their own system, which produced so different a result. That which he contended for was, that there was no evidence adduced before the committee to show that the English and Scotch systems of small currency were likely to derange each other. The witnesses proved that the Scotch system had gone on well for upwards of a hundred years, during which the paper circulation had been greater than the gold. In that time it appeared that Scotland had suffered great political commotion. Two rebellions had broken out, and the changes of government were of an extraordinary nature. Yet the mercantile credit of that country had not suffered any shocks like those which had frequently,

within the same time, convulsed the mercantile credit of England. The chief ground of the support which he had given in this instance to the Scotch system of circulation was the system of cash credits, which, acting through branch banks connected with the thirty principal banks of Scotland, encouraged and enlivened agriculture and manufactures in the remotest parts of that country. The argument of the bankers against the application of the new law was this—If the government should prohibit the issuing of notes under £5, the chief banks would have no motive for continuing to support the branches of their several establishments, now spread among the Highlands, and to the farthest bounds of the country. The power of issuing small notes was the only advantage of which the banks could avail themselves in those distant parts, where the circulation was almost wholly notes of the small denominations. The bankers would therefore naturally look to their own safety, and withdraw their branch banks. He would call the attention of the House to a comparative statement of the paper circulation in Scotland and in England at the same periods. By the labours of the committee which sat in 1819, it was ascertained that the entire circulation of paper in England was somewhere about £40,000,000, of which the bank of England had issued between £23,000,000 and £24,000,000. The rest consisted of the issues of country banks. He would take the circulation of the small notes of the Bank of England at £6,000,000 or £7,000,000, which were but a small proportion to the whole currency. In Scotland, it might be said that there was now no gold at all in circulation. The whole of the circulation, as nearly as the committee could ascertain the amount, was at this time about £3,300,000: of this sum, £2,000,000 were estimated to be in notes of value less than £5. He had gone into the committee with the impression, that the circulation of Scotland ought to be regulated by the same law which was to be applied to the small note circulation of England. But, after hearing the evidence, he owned that he was afraid, without further evidence being produced to prove that the two systems of Scotch and English currency were incompatible, to resolve on doing away with that of Scotland. He was still ready if that incompatibility could be proved, if it could be shown that the trade of Scotland would go on as well, or better, by immediately assimilating its currency to that of England, to carry that resolution into effect. At present, he felt the safer conclusion to be this—that they were not to be enamoured of the Scotch system; but to let it abide some further trial, rather than risk the danger to which the trade and interests of Scotland might, according to the evidence, be subjected by too speedy and rigid an application of the same law, under very different and varying circumstances, to the currency of the two countries. He regretted, though opposed in politics to the right hon. gentleman, to have to bring forward any report which did not meet with his approbation; but he never signed a report as chairman of a committee—he never did an act as a member of parliament—which gave him more unqualified satisfaction than he felt in having come to the conclusion which he had formed upon this subject.

The Report having been laid on the table, Sir M. W. Ridley moved, “That it is advisable in the next session of parliament to institute an inquiry—how far the interests of England and Scotland may be affected by a different system of currency in the two countries; and to consider whether any or what means may be necessary to assimilate it, so as to promote the general interests of both.”

The motion was put, and negatived.

## BRIBERY AT ELECTIONS.

NOVEMBER 22, 1826.

Lord Althorp rose, pursuant to notice, to move for the renewal of certain resolutions passed on the 26th of May last, relating to Bribery and Corruption in returning members to serve in parliament.

In the debate on the first resolution,—

MR. SECRETARY PEEL observed, that the House was called upon to affirm or to reject resolutions, which went to create a new offence and a new mode of trial. The

end might be a very proper one; but it would, he conceived, be infinitely better that this new jurisdiction should be sanctioned by a bill, rather than by a resolution of the House of Commons. Such a mode of proceeding would admit of consideration and discussion in the different stages, whereby errors might be corrected, and improvements introduced. But the House was called upon by the noble lord to adopt at once resolutions on a subject of infinite importance. Did not the noble lord think it a serious matter, that a committee of the House should be empowered to administer an oath? Was it not a serious matter that a common informer might keep in his pocket, for seventeen months and twenty-eight days, a petition affecting the interest of individuals and of corporate bodies; that at the end of seventeen months he might, if he pleased, prefer his charge against a corporation or an individual to the House, without expense to himself, and without one word being inserted in the resolutions as to a penalty in case of vexatious or malicious charges? He was surprised to hear the hon. member (Colonel Davies) who spoke last, assert, that there had been more gross bribery during the last election than at any former period; and this in the face of the resolutions. The fact proved, then, the insufficiency of the resolutions; although the hon. member considered it as a sufficient reason for adopting them. He was not contending against the principle of the noble lord. He repeated what he had stated last session, that this measure should be introduced by bill, and that the nature and the extent of this new jurisdiction should be carefully determined. The House should have the opportunity of maturely deliberating upon a subject so seriously affecting the privileges of parliament. He would not deny that it might be right that the law should be altered to meet cases of corruption, when it had been evaded by the lapse of time; but then it should be done by bill. The period likewise might be six weeks, or even a fortnight, but not eighteen months. He merely threw out these observations to show that he was not hostile to the principle of the resolutions; but he protested against a party being permitted to petition, without giving security that he should be indemnified, and that he need only allege general bribery. He protested against the House being called upon to-night to say by what jurisdiction the object should be attained. He protested against such precipitate and premature legislation. He must therefore oppose, not the principle, but the expediency of the resolutions.

Lord Althorp's motion was withdrawn.

## RESOLUTIONS RELATIVE TO COMMITTEES ON PRIVATE BILLS.

NOVEMBER 28, 1826.

Mr. Littleton submitted to the House a series of nine resolutions on the subject of Committees on Private Bills.

In the debate which followed,—

MR. SECRETARY PEEL said, that though he was by no means so satisfied as the hon. gentleman opposite (Mr. Alderman Waithman) seemed to be, of the gross misconduct of the committees on private bills, still it was his intention to vote in favour of the resolutions of his hon. friend, as a precautionary experiment, for the present session, against any misconduct that might by possibility arise. He did not believe the committees on private bills to be that mass of corruption which some members asserted them to be. There might have been some cases, in which members who had not been present at the evidence had entered the committee-room, and overwhelmed the voices of those who had been present; but he had not heard of any instance of gross injustice in their disposal of private property. The worthy alderman had said, that as the last parliament was dead, he had a right to abuse it; but, though that parliament was dead, the members who composed it were living, and he, as one of them, must ~~bag~~ leave to vindicate its conduct. What the present parliament might turn out, he could not tell; but with the benefit of the worthy alderman's bright example, he had no doubt but that it would be much better than that of which he had spoken with so much reprobation. Though he could not agree in every point with the proposed resolutions, he must repeat that he was not unwilling to adopt them as a precautionary experiment for the present session. His reason for

so doing was not founded so much on the misconduct of the committees on private bills, as upon the standing orders themselves. He disapproved of the method of referring private bills to the consideration of a committee formed of the members of that county to which the bill applied, and the adjoining counties, because the number of persons on such a committee varied very greatly. In the case of the county of Derby, the number of members for that and the adjoining counties, to whom private bills might be referred, was 80. In the county of Warwick the number was 87; in that of Leicester 69; and in that of Staffordshire 66; and he believed that a case had occurred in which the proposition for a canal bill was referred to a committee, of which every member was either a director, or a person largely concerned in the canal. In the county of Devon the number was 168; in Wiltshire 194; and in Hampshire 234. So that the number of persons composing the committee on a private bill relating to Hampshire, was four times as great as that on a private bill relating to Staffordshire. That statement formed a sufficient reason for adopting some arrangement better than the present, and would justify them in adopting the three first resolutions. He conceived that there would be great difficulty in obtaining select committees, if they were to be chosen like election committees. In the first session of a new parliament, supposing there were ten election committees, and twenty or thirty private bills, it would be impossible for the House to act. It was therefore better to adopt the remedy proposed by his hon. friend, which gave to any petitioner who conceived himself injured, the liberty to appeal to another committee. He likewise thought it right that of the hundred and twenty members placed in each list, sixty should be connected by locality with the county which the bill affected, and that the other sixty should be persons who were not under the influence of local bias. He conceived that the most effectual remedy to the abuses incident to committees on private bills, would be by letting the light of day in upon them; and that the appointment of a committee of appeal would in itself be a tacit correction of the evil complained of. He could not see how the long story which the worthy alderman had told them respecting the Equitable Loan Bill Committee bore upon the present question; for he was quite certain, that if the facts which the worthy alderman had mentioned were correct, and had been stated to the House, he would have obtained an appeal against that committee. The worthy alderman had also objected to the deposit of the £500 as a hardship; but he was strongly inclined to think, that if the worthy alderman had felt one-half the indignation against the members of the committee which he had that night expressed, he would have gladly laid down the sum for the petitioners, whom he had taken under his protection.

The first eight resolutions were put and agreed to; but the ninth (relating to the £500 deposited) was withdrawn.

## DEISM.—OATHS IN COURTS OF JUSTICE.

NOVEMBER 29, 1826.

Mr. Hume rose for the purpose of presenting the following petition:—

"To the Honourable the Commons of Great Britain and Ireland assembled, the Petition of Robert Taylor, of Carey-street, Lincoln's Inn, Clerk,

"Humbly sheweth,

"That your petitioner has been ordained a Clergyman of the Established Church, is a Bachelor of Arts of St. John's College, Cambridge, and is a Member of the College of Surgeons.

"That your petitioner is Chaplain of a Society called 'The Universal Benevolent Society,' which is in the habit of meeting every Tuesday evening, for the purpose of investigating the evidences of the Christian religion.

"That your petitioner has determined, after a most laborious investigation and philosophical research, that he cannot give credence to the Christian faith, and has seceded from it solely from motives of honour, conscience, and conviction, and not from obstinacy, singularity, or prejudice.



"That your petitioner is in the habit of performing Divine Service before the said society, upon every Sunday, upon the principles of Deism.

"That your petitioner has ascertained that he cannot give evidence in any Court, touching any matter, suit, or cause, depending therein, in consequence of his not believing in revelation, although your petitioner has carefully investigated its evidences, but cannot believe in its truth.

"That your petitioner considers, under the Act of Toleration, he is entitled to profess what religion he pleases, and publicly to propagate it, unless such religion be opposed to public morality and the welfare of the State.

"That your petitioner believes in the existence of a future state, and instils such belief into the minds of his hearers. That a short time ago a shopman of Mr. Carlile's was robbed of his watch, but was unable to prosecute the offender, in consequence of his adherence to the tenets of Deism.

"That your petitioner considers the law, as it now stands, is injurious to the fair and equal administration of justice, and is at variance with the interests of the State, inasmuch as it allows persons guilty of atrocious crimes to escape with impunity, and deprives your petitioner and others of justice.

"That your petitioner will consider an oath sworn on the Works of Nature as binding on his conscience as one sworn by the Christian on the New Testament, the Jew on the Bible, or the Mahomedan on the Alcoran.

"Your petitioner, therefore, humbly prays, that your Honourable House will be pleased to decree, that persons professing Deistical principles be sworn in courts of justice, as all persons professing Christianity, Judaism, and Mahomedanism; and that the degree of credit due to such shall, in all cases, be left to the consideration of the judge, jury, magistrate, or whatever tribunal by which such case shall be tried. And your petitioner, as in duty bound, shall ever pray."

In the conversation which ensued,—

MR. SECRETARY PEEL observed that there were two questions arising out of this petition. The first was, whether it were proper to accede to the prayer of the petition; the second, whether it were proper to receive the petition. With respect to the first question, he certainly had a strong opinion. He would not then state it; but if ever the hon. gentleman should bring in a bill for the purpose of relieving any man in the situation of the petitioner from the obligation of an oath, he, for one, should be prepared to meet that hon. gentleman, and those hon. gentlemen by whom he might be supported, and to contend that, for the preservation of the best rights, and the protection of the best interests of the community, such a bill ought to be decidedly rejected. But that was not the question now before the House; which was simply, whether or not the petition should be received. Now, he was not prepared to say that it would be wise to reject a petition because the House might not be disposed to accede to its prayer. Nor did he think it would be wise, on the present occasion, to attach so much importance to this petition as its rejection might involve. Whatever might be the feelings which the House laudably entertained on this subject, he thought it would be prudent on their part to restrain, at the present moment, from expressing themselves with reference to a question which, although it had been mixed up with the other, was not actually before them.

The petition having been ordered to lie on the table, Mr. Hume moved that it be printed, in order that gentlemen should be acquainted with its objects. Mr. Robinson opposed it; and on the cry of "No, no," becoming general, Mr. Hume withdrew the motion.

## TREGONY BOROUGH ELECTION.

NOVEMBER 29, 1826.

In the adjourned debate on Mr. Abercromby's motion, made on the 24th instant, "That the Indenture by which James Adam Gordon and James Mackillop, Esquires, were returned to serve for the borough of Tregony, be taken off the file:—"

MR. SECRETARY PEEL said, he did not regret the time which the House had taken to come to a decision on this question, because it was one of great importance, and

therefore required mature deliberation. When it was first presented to their notice, he thought that the latter return could not be considered a valid return; and the consideration which he had since given to it had satisfied him of the correctness of that opinion, and of the propriety of ordering that the indenture containing it should be taken off the file. He contended, that to follow any other course would be to furnish a precedent fraught with danger. The House was aware that in all election returns a great responsibility was imposed on the sheriffs of counties. They were required to use their best discretion; the House being ready to give them every indulgence in cases where they used it honestly but erroneously, and to punish them whenever they used it partially and improperly. Now, the sure way for a sheriff to escape from a responsibility to which he ought to be liable was, to send up, besides the regular return annexed to the writ, another paper, not annexed to it, received from some other person than the regular returning officer, and then to leave the House to decide which of the returns was the proper return. He maintained that the sheriff was bound, in all cases, to make either a single return or a double return to the writ, and no other. He was not prepared to say whether the sheriff might not make two returns annexed to the writ. It was fortunately unnecessary to decide that question in this particular case, as the sheriff had declined to do so; and, such being the case, he thought that the House was bound to decide, that only one return had been made to the writ, and that the other indenture was invalid and of no effect. In the present case, the under sheriff had not directed his writ to the mayor of Tregony. A doubt existed as to the validity of the claims of two different parties to that office. The under sheriff selected one of them as returning officer: from that person he received the precept back again, with an indenture attached to it, and he returned that indenture, attached to the writ, to the Crown office. The under sheriff considered the return so made to be the proper return, and he (Mr. Peel) contended that the House ought to do the same. He attached no importance to the certificate which was received on a subsequent day. Indeed, he would not enter into that part of the question, but would treat the return as a single return, and would not examine whether the sheriff acted properly or not. If there were a dispute between two officers as to which was the proper returning officer, it must be decided by the sheriff; and there might be cases in which it would be wiser for him to make a double than a single return. It was unnecessary to enter into an investigation of the precedents which had been quoted, for, in his opinion, none of them were at all applicable to the present case. The question was to be decided by common sense, and that due regard to the interests of justice which was felt by every man in that House. The safest plan upon which the House could act, was to admit no other return than a single return or a double return, and not to allow a sheriff to steer an intermediate course between the two. On that account, he, for one, should support the motion, which considered the second indenture as invalid, and should leave the parties mentioned in it to their remedy. He doubted whether the prudent course would not be to call in the Clerk of the Crown, to receive from him the originals, of which the entries in the books were copies, and to form their opinions upon inspection of the documents. If no objection should be made to this proposition, he would beg leave to substitute for the motion then before the House, a motion to that effect; and then, if the entries appeared to be correct, as he had no doubt they would, he would move that the return attached to the writ should be considered as a single return.

In reply to some observations from Mr. Abercromby, Mr. Peel said, that if the original documents and the entries agreed, he should certainly follow up his present motion by another for taking off the file the second indenture.

After some further discussion, the Clerk of the Crown being then called in, produced the writ, directed to the sheriff of the county of Cornwall, for holding the late elections in the said county, with an indenture, whereby Stephen Lushington, LL.D., and James Brougham, Esq., were returned as burgesses to serve for the borough of Tregony—annexed thereunto. He also produced another indenture, certified by the said sheriff to have been received at the office of his under sheriff; but which last-mentioned indenture—whereby it appeared that James Adam Gordon, Esq., and James Mackillop, Esq., were returned as burgesses to serve for the said borough of Tregony—was not annexed to the writ. Mr. Peel then moved, "That

the return for the borough of Tregony is not a double return ;" which was agreed to. And it was ordered, " That the indenture whereby James Adam Gordon, and John Mackillop, Esquires, are returned for the borough of Tregony, be taken off the file."

### DISTRESS OF WEAVERS IN SCOTLAND.—EMIGRATION.

DECEMBER 5, 1826.

Lord A. Hamilton having presented a petition from the Weavers of Glasgow and of the county of Lanark, representing their extreme distress, and praying for relief,—

MR. SECRETARY PEEL said, that the noble lord, in bringing forward the petition, had expressed himself in a manner which reflected the highest honour upon his feelings, and which was most creditable to him as the representative of the district in which the distress existed. He could assure the noble lord that he participated fully in his sympathy for the sufferings of the petitioners. There was no part of the empire in which distress had been deeply and for any length of time experienced, where the people had evinced a more laudable conduct than in the part of Scotland from which this petition proceeded. Their sufferings had been borne without leading them to deviate from the most exemplary conduct, or to forfeit their high character, although the sufferers were in a very humble sphere of life. It was not possible for more patience and forbearance to be evinced, than had been manifested by these unfortunate people; and he gave this opinion from having had frequent opportunities of ascertaining their sufferings and of observing their conduct. He well knew how imperfect were sources of private information in cases like the present; but, since the last session, a single week had not passed without his having been in constant communication with the committee now sitting in the country upon the subject. That committee had devoted its attention to the subject in the most exemplary manner. It had used its most zealous exertions to mitigate the sufferings in that part of Scotland. The noble lord's proposal was, to present a petition, praying for a grant of public money; and he had very properly observed, that the consent of the Crown was necessary to the reception of such a petition by the House. He hoped that the House would not be disposed to enforce its regulation strictly in this particular case. Although the petitioners did in effect pray for a grant of public money, they rather called the attention of the House to a public measure, for which a grant of public money was necessary. He was not quite sure whether this were not a public petition, or that the consent of the Crown was necessary. Were such a consent essential, he should be very unwilling to refuse it. At the same time, he felt peculiarly anxious that what he said might not be misconstrued, so as to excite false notions, that granting the consent of the Crown implied an opinion in ministers, that any good could result to the petitioners from receiving their petition. He should not enter upon the policy or effects of emigration; no notice whatever had been given of an intention to discuss the subject; and to go into it at present would, he thought, be premature. Emigration involved many subjects of the utmost importance, and the interest was much enhanced by the present state of the country. A committee had been appointed in the last session to sit upon the subject, and their report, and the evidence they had put forward, contained a mass of valuable information. It concluded with a recommendation, that another committee should be appointed in the present session, to consider some parts of the subject which had been imperfectly considered in the previous enquiry, as well as to suggest some definite plan on which a system of emigration should be adopted. He might observe, that no plan of emigration could be carried into effect before the ensuing month of May. The result of the evidence before the former committee was, that autumn was the best period. He hoped that the Under Secretary of State for the Colonies, after the recess, would propose the appointment of such a committee. It was necessary to inform those individuals from whom the petition came, that emigration would afford them no material relief. It was necessary that precautions should be taken in the colonies to insure proper accommodation for the parties who arrived. To ship off ten or twenty thousand men to Upper Canada, incapable of adopting agricultural

pursuits, would inevitably lead to their extreme misery. It would be necessary, previous to their arrival, that lands should be located, roads made, and other measures adopted; or the situation of the emigrants would be most calamitous, and the sufferings of which they now complained greatly aggravated. It was also necessary, whenever any plan was to be carried into effect, that there should be a judicious and discriminating selection of the individuals to be sent out. Those very parties that might be the greatest objects of sympathy on account of their sufferings, might, from other causes, be of all others the most unfit for emigration. A man might be unable to support himself in a manufactory from extreme age or a debilitated constitution, and yet would be a most unfit object to select for emigration. It would be necessary to select only those who were capable of availing themselves of those resources which would be alone open to them, after they had arrived in the colony. He thought it right to make these observations, to put the matter in a proper point of view, and to prevent his consent to the reception of the petitions being misinterpreted. He was anxious not to encourage false hopes, at the same time that he would be sorry to damp legitimate and reasonable expectations. It was not his intention to object to the petition's being received and referred to the committee of emigration when appointed; but he trusted the parties in question would not, through the indulgence of fallacious expectations, neglect to seize such other favourable opportunities as presented themselves for their relief.

Ordered to lie on the table.

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## EXPORTATION OF MACHINERY.

DECEMBER 6, 1826.

Mr. Hume presented a petition from the Machine Makers of Manchester, praying for an alteration of the law prohibiting the exportation of Machinery.

In the debate which ensued,—

MR. SECRETARY PEEL said, that when the hon. member for Aberdeen, in the last parliament, had expressed his determination to introduce a measure for the repeal of the present law, he had urged him to postpone it, because he thought it was due to the feelings of the manufacturers not to make so great an alteration at that particular time; and, in his opinion, the present was as little suited for such an experiment. They had been told that it was quite absurd to continue this law, and to prohibit the exportation of machinery, because drawings of the different machines were to be found in the Scotch Encyclopædia. But, since the year 1821, when that Encyclopædia was published, many improvements had been made in those machines. [Mr. Warburton, "Then they are secrets."] Then, if they were secrets, why should not the country profit by them as much as possible? This was a question which ought not to be hastily taken up. They had already had some experience of the ill effects attending a precipitate decision on long-established laws. When the hon. gentleman brought forward the repeal of the combination laws, he laid down some broad general principles, which sounded very well. He called on the House to put the master and the journeyman upon the same footing; and he inveighed against the then existing law as a mass of absurdity. But what was the result? Why, in about ten months, having become wiser by experience, they found it necessary to retrace their steps. They did not, it was true, go back to the old laws; but they were obliged to adopt new ones, to remedy the defects of the measure which was to have wrought wonders. The right hon. gentleman stated, that he fully agreed in the expression of satisfaction that had fallen from an hon. member opposite, as to the conclusive and able statement made by the hon. member for Ipswich (Colonel Torrens) respecting the true principle on which our commercial policy should rest.

The petition was ordered to lie on the table, and be printed.

## EMIGRATION.

DECEMBER 7, 1826.

On the presentation of petitions from Glasgow and Calton, in favour of Emigration.—

MR. SECRETARY PEEL deprecated the continuance of the present discussion. It was of great importance that hon. gentlemen should keep their minds open to information on this subject, and that they should not pledge themselves to opinions now, which might by possibility fetter their judgments hereafter. There were many points connected with the subject of emigration, into which it would be incumbent on the House to examine before it came to any determination. They must consider; first, how far emigration would be available to meet the distress which now prevailed in this country on account of the population being greater than the demand for labour; and secondly, how far the encouragement of emigration would affect the interests of the colonies. It might be impossible to incur the expense of relieving the distress of the country by emigration, and when it was recollected, that an expense of £20 was to be incurred for each emigrant, it could not be expected that the excess of the population could be sensibly relieved by emigration. One might, however, see an advantage in supplying the waste lands in the North American provinces with an active population, inasmuch as it would create an increased demand for British manufactures. There would also be, in his opinion, a great advantage to the colonies by encouraging emigration upon a large scale, even though it might not mitigate the distress of the mother country. He was sorry that the hon. baronet had fallen into the fallacy which had been so ably exposed on a former night. He had said, that there were at present many individuals who were willing to place themselves in the same situation with convicts, and who voluntarily asked for that exile which the law attached as a penalty to great crimes. Now, this was not the case. The exile into which the petitioners wished to enter, was very different from that to which convicts were consigned. In the first place, the exile of the convict was a punishment, and inflicted upon him legal infamy. He went out stigmatized by a conviction for crime, and not as a free settler. His labour was not his own; but was appropriated to another individual, who paid him no wages for it. On the other hand, so far was the exile into which the emigrant went from being considered as a punishment, that many individuals who were in possession of a small capital, and by no means in a state of distress, had made application to the government in the following style:—"Give me a grant of a hundred or two hundred acres, and I will transport myself and family to Canada, because I feel that I can turn my capital to greater effect in that country than I can do here." Individuals who made such applications scarcely considered themselves exiles, and certainly ought not to be described as individuals placed in the situation of convicts. It was the repetition of this extravagant argument that had induced him to rise upon this occasion, and to entreat gentlemen not to pledge themselves to any hasty opinions on the subject of emigration, until they had read the report of the committee upon it, and the evidence attached to that report. The information which Colonel Cockburn had given to the committee was particularly valuable, from the knowledge which he possessed on the subject, and well deserved the attention of hon. gentlemen.

Ordered to lie on the table.

## THE CORN LAWS.—ADJOURNMENT OF THE HOUSE.

DECEMBER 13, 1826.

[This was the day after Mr. Canning had delivered his celebrated speech on moving the address on the King's Message respecting Portugal.]

MR. SECRETARY PEEL said, that, in pursuance of the notice of adjournment, which was given last night by his right hon. friend (Mr. Canning), who was prevented from attending this day, owing to the fatigue which had sprung from his great

exertions when last in his place, he rose to move that the House at its rising do adjourn to the 8th of February next. He could not refrain from availing himself of the present opportunity, to express his entire conviction that the House and the country had wisely and consistently determined upon taking that course in behalf of Portugal, under existing circumstances, which, while it afforded a just protection to our ally, at the same time held out the surest promise of preventing the real calamities of war. Independently of the real exertion which was on this occasion demonstrated, he did hope that the moral effect of the proceeding would be to avert hostilities, by diffusing the general assurance, that the policy avowed by England was adopted and confirmed by the unanimous voice of parliament and the people. He heartily joined with those who deprecated war. He fully concurred in their sense of its calamities, how likely it always was to impede the march of civilisation, and to check the current of national industry. At the same time he must repeat his perfect conviction, that the surest method of preserving peace was to maintain the national honour and good faith unimpeached and inviolate. He should have simply moved this adjournment without observation, had he not been informed that some objection was to be taken to what was called the unusual length of the proposed recess. Now, every adjournment must necessarily depend upon the particular circumstances of each period when it took place; and there was nothing in the present different from the practice observed on similar occasions, when parliament had an earlier winter sitting. At their next meeting it was intended to lose no time in bringing forward the most important public business of the nation. Indeed, so fixed was this determination on the part of his majesty's government, that his right hon. friend had empowered him to give notice, that on the Monday following the 8th of February, he intended to submit to the House a motion which would specifically introduce the great question of the Corn-laws.

Adjourned to the 8th of February, 1827.

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## DEATH OF THE DUKE OF YORK.— ADDRESS OF CONDOLENCE TO HIS MAJESTY.

FEBRUARY 12, 1827.

MR. SECRETARY PERL rose and said:—Sir, in the period which has elapsed between the separation and re-assembling of this House, the country has sustained the loss, by death, of the first prince of the blood—a prince whom the probable course of human events would, at some future period, have placed on the throne of these realms. Under such circumstances, at any time, and without reference to personal qualities or extraneous considerations, this House would have been induced, in unison with the general feelings of the country—to have presented an Address to the Throne, expressive of their respectful sympathy with the feelings of his majesty. The House would, under any circumstances, I say, have been induced to adopt that course, from the feelings which must necessarily arise in the bosoms of subjects of an ancient and limited monarchy, from those feelings that spring from the deep-felt conviction that there is no other form of government better suited to the genius and habits of the people of this country, or better calculated for the maintenance of their happiness and the enjoyment of their rights. The House would, I repeat, have been induced to adopt that course from the influence of these feelings alone; but, Sir, I feel that the circumstances under which we are called upon to present an Address of Condolence to the King, in consequence of the death of the Duke of York, are in some respects peculiar, and different from the ordinary course of events. This Address, if acquiesced in by the House, will be presented to one who was the companion of the deceased prince's early years—who had studied with him in his youth, and who had been intimately acquainted with him throughout his life; to one who had watched over him in his dying moments, in the utmost affliction, and who felt his loss with the regret of a brother. I am sure no consolation is better calculated to assuage the affliction which that illustrious person must feel, than the demonstration that this House concurs in the universal feeling of respect which is felt through-

but the country for the memory of the deceased duke, and in the universal disposition to offer their respectful assurances of regret for his loss. But mixed with that regret, which, as I said before, under any circumstances this House would be disposed to evince, is the feeling which arises from the deep respect which, I am warranted in saying, it must feel for the public services of the deceased duke; and also a feeling of a tenderer and more domestic sort, which arises from long experience of the great kindness of his heart and the benevolence of his disposition—qualities which adorn any station of life, but which shine with peculiar lustre when displayed in such exalted rank. Sir, I do not stand up here for the purpose of pronouncing a set eulogium on the character of the Duke of York. It was well said by an hon. gentleman opposite, upon an occasion not dissimilar to the present, that a laboured panegyric on the great was better suited to the genius of despotic countries than to the free institutions of this; and nothing would be less in character with the open manliness and candour of him who is the object of this Address, than that I should ascribe to him qualities which he did not possess, or deny him those faults from which none are free. I shall therefore confine myself to the truth, and I think I do not transgress the truth when I say, that, in the public capacity of commander-in-chief of the forces, his royal highness the deceased duke improved the discipline and raised the moral character of the profession.—I do not transgress the truth when I say further, that he possessed a combination of singular advantages and of peculiar personal qualities for properly discharging the functions of that high station, and that he lost no opportunity of availing himself of those advantages. Sir, for a period of six-and-forty years the Duke of York was a soldier in the British army, and for a period of thirty-two years, with a slight intermission, he held the high situation of commander-in-chief; and I do not believe that any man could do justice to the services which he rendered to the country in that capacity, except the man who knows by personal experience, or has taken the pains to look at the state of the British army as to efficiency and discipline, when his royal highness assumed the command of it, and its state at the moment when he relinquished it. I cannot soon forget the last words which I myself heard from his lips only nine days before his death, upon hearing of the landing of part of the British troops in Portugal. With a faint expression of honest triumph, he said he wished any one to compare the condition of the brigade which landed at Ostend in 1794, with the corps which disembarked at Lisbon in 1826. These were the last words which I heard from the lips of his royal highness. The Duke of York had himself commanded a British army in Holland before he was raised to the office of commander-in-chief; and when he came to it, he declared that no other officer who might hereafter command on foreign service should be subjected to the same disadvantages that he had laboured under. Sir, no other but a man of professional experience could trace the progressive steps by which this discipline and efficiency had been effected in the British army. To do so, it would be necessary to detail the several rules which have been adopted and watched over with great attention, in order to the correction of many abuses, and the supply of many defects in the British army; the many regulations by which the welfare and comfort of the soldier, in the subordinate ranks of the army, were secured, with respect to his religious instruction, his duties on foreign service, the education of his children, and the economy of his regimental intercourse. To give effect to these would require a man of professional knowledge; but I do not think a lengthened allusion to them necessary: I attribute the general effect less to the operation of particular rules, than to the influence of the more large and extended system which he adopted towards the troops. It is in the example which the royal duke set to the officers in his own person, of gentlemanly and courteous attention to the wants of the meanest soldier—in the stimulus which such an example gave them to do their duty—in the conviction which he made every man feel, that, however low his station, justice would be done, and protection afforded him against oppression—in these particulars, I say, and in these effects, are to be found the causes of the army being made that wonderful machine which, by regularity of movement and submissive obedience to authority, retains the energy which ever distinguishes the soldier of a free state from the passive machines of a despot. During the thirty years that the Duke of York filled the situation of commander-in-chief—a long period, comprising I believe ten thousand days—I do not believe I

exaggerate when I say, that there was not one of those ten thousand days which passed by the royal duke without devoting some portion of it to the performance of his public duty. Never was there a letter received at the office over which he presided without being noticed, if it was susceptible of an answer. If it contained a signature, the reply was, without delay, transmitted to the proper address. And it ought to be stated, to the honour of the deceased duke, that the answer so sent was not a mere dry, official communication, referring the party to some other department; but that, upon every occasion, his royal highness showed an anxious desire to facilitate the despatch of business, although it might not be within his own department. If the letter had no signature, but preferred a complaint, it was not necessarily rejected because it was anonymous, but immediate enquiry was made to ascertain whether the particular charge was well or ill founded. And, upon every occasion of promotion in the army, I think I can appeal with confidence to the House itself, whether there has not been a universal wish to do justice to the strict impartiality with which his royal highness discharged that most important part of his duty; and I address myself more particularly to the hon. gentlemen opposite, and ask whether they had reason to complain, that in any case a man's political sentiments presented any bar to his receiving the reward of his merit in the army? I am sure they will agree with me, that no objections were made to a man's promotion from any thing like personal hostility, and that his royal highness always showed an earnest disposition to forget and overlook all associations, as connected with any claimant for reward, other than his actual merits or demerits. But, Sir, I do not conceive this to have been his royal highness's highest merit. In the administration of his high office, the exalted individual had not merely to guard against the influence of personal prepossession, but to exercise a reasonably jealous apathy with respect to the fame of individuals; for, if he suffered himself to be dazzled too much by the eclat of military glory derived from actual service, he might be tempted to overlook those who, deprived of the opportunities of distinguishing themselves, were panting for such opportunities. Upon all occasions in which the Duke of York had to bestow promotion, he acted with impartial justice—not only to those who had merited distinction by their valour, but to those who had shown a disposition, but had not had the opportunity of distinguishing themselves. As proofs of his strict impartiality, I will recite one or two facts. In the year 1825, when an augmentation of the army took place, no lieutenant, with a solitary exception, was promoted who had not entitled himself by service. From 1810, I can state confidently that no favour was shown to any individual, with the single exception which I have stated, and that was a case which can reflect no dishonour on the illustrious deceased. One lieutenant, whose standing was only from 1814, had been promoted; but it was under these especial circumstances:—At the battle of Waterloo this officer, though a subaltern, became in command of his regiment, all his senior officers having been killed upon the field. This was the only one promoted who was not of the required standing; and could it be said that it was a case unworthy of notice? With respect to the ensigns, the same impartiality was shown. In 1825, twenty-two captains received majorities without purchase. The grant of a commission without purchase affords a great opportunity of showing personal favour; but such favour could not be charged in any one of these instances. Of the twenty-two captains who received majorities without purchase in 1825, the average service was twenty-six years, and of these seventeen were spent in their particular regiments. In 1825, sixteen majors were promoted to the rank of lieutenant-colonels without purchase, whose average service was twenty-eight years, fifteen of which they had spent in their own regiments. In short, Sir, I am justified in saying, that there never was an instance in which any officer has been promoted without purchase over the head of his senior, unless where this latter, by some misconduct, had forfeited all reasonable claim to priority; and, let me add, where the promotion was by purchase, the officers of the same regiment were first invariably consulted. Of the first commissions granted without purchase in 1825, three-fourths were given to the sons and relations of officers in the army and navy—to young men who had no other claim than that which was derived from the services of their parents or relatives.—I have thought it right, Sir, to state these facts, because the simple truth is the highest honour to the memory of the



deceased duke. That his royal highness possessed singular advantages for his high situation is beyond doubt. In the first place, having been in the army forty-six years, of which for thirty-two years he was commander-in-chief, he had opportunities of watching over the conduct and progress of a vast portion of the officers. He knew their persons; he was cognisant of their services; and in very many instances he was aware, from personal observation even, of the circumstances under which their wounds had been received. And let me remark, that it is a matter of no slight consolation to a gallant but suffering soldier, to know that there is an eye which constantly watches his progress, notes his services, and gives him credit for his merits; for such a conviction must greatly lessen his pain and enhance his exertions. Sir, the service has derived many and most substantial advantages from the noble duke's administration; but perhaps, of all, that is the most substantial which gives the soldier the conviction, and consequently the confidence, that his merit, if he has any, will not be overlooked. I think, therefore, that the House will be certainly disposed to mix up with its expression of condolence to his majesty upon this occasion, a repetition of that sense of his royal highness's services which it has made more than once before.—Sir, I do not know that it is necessary for me to offer any additional observation to induce the House to acquiesce in the proposal for this Address. Some persons may think that all reference to the personal qualities of the individual, upon occasions like this, is unnecessary; but no man can, I think, read the history of the monarchy of this and of other countries without acknowledging how far the personal character of the sovereign influences the manners of the age, and how much they strengthen the claims of royalty upon the people. And in that history it would, I think, be difficult to find an instance in which there has not been exhibited, not only by the Duke of York, but by every member of his illustrious family, the warmest disposition to promote every charitable object, to enter into every benevolent enterprise, and to contribute, not only by their money, but by their personal services, to the completion of these laudable purposes. In truth, Sir, I think we might all of us benefit by the example of active charity which has been set us by that illustrious family. Every one who hears me knows, I have no doubt, after his time and attention have been very fully occupied by business, how painful it sometimes is, on receiving an application to attend at some meeting for charitable purposes, to make the requisite exertion. But I would ask any man who ever had occasion to apply with such an object to the late Duke of York, whether his application did not meet with a cheerful acquiescence from his royal highness? whether such assistance was not immediately given with that ready benevolence which it is impossible to assume, and which could flow only from a generous and charitable disposition, to co-operate in every scheme having for its object the relief of misery and distress?—I shall here, Sir, close the few observations with which I have deemed it necessary to accompany this motion for an Address of Condolence to his Majesty. I trust I have adhered to the intention I expressed at the outset, of confining myself strictly to the truth in any statements I might make, and of abstaining from all exaggeration, as unsuitable either to the occasion or to the character of him to whom those statements relate. In like manner, in the wording of the proposition with which I shall conclude, I shall studiously abstain from every topic calculated to provoke angry discussion, or to interrupt that unanimity which will, I am certain, mark the proceedings of the House on an occasion of this nature. I shall studiously abstain, I say, from every topic that can, by possibility, render any one man reluctant to give his assent to this motion. In the same feelings, Sir, I disdain to take advantage of any particular opinions which this lamented personage may have entertained, by any appeal to the concurring views of those who entertain on that subject similar opinions; for I am confident that every man in this House, be his political opinions what they may, will be anxious to concur in an address that expresses no other feeling than that of sincere grief for the loss of an illustrious prince, who administered his high functions with great attention, great justice, great fairness, and great success; who improved, in a most extraordinary degree, the discipline, and raised the character, of the British army; and whose name will ever be associated with its distinguished reputation and its brilliant achievements. I believe, Sir, that no man, whatever his political sentiments may be, will refuse to participate in the feelings of those who were admitted

to a more intimate and friendly acquaintance with the royal duke; but that they will concur in sympathising with his majesty for the loss of one, whose last moments were consoled by the reflection, the purest and best of consolations, that, during the course of a long and varied intercourse with society, he had never abandoned a friend nor resented an injury. I therefore propose, Sir, "That an humble Address be presented to his Majesty, to assure his Majesty that we fully participate in the deep regret which has been so generally manifested by his Majesty's loyal subjects, on the death of his Royal Highness the Duke of York:—To convey to his Majesty the expression of our sincere condolence with his Majesty, on the loss of his beloved and lamented brother:—That we take this opportunity of again recording our sense of the eminent services which were rendered by his Royal Highness the Duke of York, in the capacity of Commander-in-chief of his Majesty's forces:—That we witnessed with the utmost satisfaction the continuance, to the last period of the life of his Royal Highness, of that unremitting attention to the duties of his high office, and of that strict impartiality and justice in the exercise of all its functions, which have so essentially contributed to perfect the discipline and exalt the character of the British army:—That to the expression of these feelings of grateful acknowledgment of the public services of his Royal Highness, and of sincere sympathy with the present affliction of his Majesty, we add the dutiful assurances of our loyal and affectionate attachment to his Majesty's sacred person."

This Address was agreed to *nem. con.*

## COLONEL BRADLEY'S CASE.

FEBRUARY 14, 1827.

Mr. Hume said, that he had on a former occasion presented a petition from Colonel Bradley, complaining of his dismissal from the army, without having been allowed to make any defence, and other matters; and he had moved for certain papers to substantiate the allegations of the petition, which the noble lord (Palmerston) had thought proper to refuse; but on the following day, he had brought down to the House the commission from General Fuller, under which Major Arthur had acted in the steps which he had taken against Colonel Bradley at Honduras, for the purpose of justifying the conduct of the government in its proceedings against Colonel Bradley. But something more was wanted to bring the matter clearly to light; and he therefore wished now to call for additional documents. The hon. member then moved for the said papers.

After some discussion between Lord Palmerston and Mr. Hume,—

MR. SECRETARY PEEL said, that it had at last become necessary that this question should be brought to some termination. Since it had been before the House, it had changed its shape so materially, that he would in the first place briefly call the attention of the House to the different grounds on which the case had been argued. Originally, it was represented by the hon. gentleman (Mr. Hume) that the whole question was, whether any commission existed that justified Colonel Arthur in assuming the military command of Honduras. His noble friend asserted, in the most positive manner, that there was a commission of that nature in existence. The hon. gentleman expressed a strong suspicion that the commission, if any existed, must have been a fabrication. This statement was certainly one of those which approached the extreme limit of debate. To the positive assertion of a nobleman holding the responsible office of Secretary of War, he felt that he could not but give implicit confidence. The fact, however, was soon placed beyond all doubt. The commission itself was produced; and it then further appeared that it was signed by General Fuller in 1814, and had the effect of devolving the military command of the colony upon Colonel Arthur. The hon. gentleman opposite, on the production of this document, shifted his ground. He no longer denied its existence; but he contended that the commission was not properly worded, and therefore that it did not entitle Colonel Arthur to take the command upon himself. The hon. gentleman denied that the commission gave Colonel Arthur authority to assume the military command; yet, what were the words of the commission? It empowered Colonel

Arthur to take the command of all the armed persons in the settlement. But the hon. gentleman insisted that this was not explicit enough to warrant Colonel Arthur in taking the command of the king's troops. They, he maintained, were not included in the general terms used in the appointment: the commission should have stated distinctly, that Colonel Arthur was to have the chief military command in the colony. That was the question at issue between the parties, and it was upon that question the Court of King's Bench had to decide when the case was under consideration before that tribunal. The whole enquiry turned upon these points: "Was it a legal commission? Did it entitle Colonel Arthur to take the command, not only of the local militia, but also of the king's troops?" The question was clearly settled in the lengthened argument of Lord Chief-Justice Abbott. Having referred to the acts of parliament relating to the subject, and all the official documents which had been produced on the trial, the Lord Chief-Justice gave it as his opinion, that the commission, in point of law, did fully warrant Colonel Arthur in taking the command of the army in the settlement of Honduras. Mr. Justice Bailey assented entirely to the views of the Lord Chief-Justice, and Mr. Justice Holroyd was of the same opinion. Mr. Justice Littledale, who was present, intimated no dissent from the judgment delivered by the court. But there was another objection to Colonel Arthur's authority. His regiment had been disbanded; and upon that fact arose the question, whether it did not invalidate the commission granted by General Fuller? Upon this point also, the opinion of the judges of the Court of King's Bench was given; and it was expressly stated, that so long as Colonel Arthur remained a half-pay officer, he was as well entitled as ever to hold the commission granted by General Fuller. The judges had no doubt that the mere tenure of his regimental rank made no difference whatever with regard to his right to the command. If the House, then, were satisfied that the commission was in existence, and had confidence in the judgment of the four judges of the King's Bench, they must be satisfied that, as to every question of law and fact, Colonel Arthur was fully justified. Such being the state of the case, he hoped the House would concur with him in resisting the production of any more papers respecting it.

After some irregularities on the part of Mr. Hume towards Lord Palmerston, Mr. Hume's motion was negatived.

## EMIGRATION.

FEBRUARY 15, 1827.

Mr. Wilmot Horton, after an elaborate explanatory speech respecting the details of his subject, as shown from the labours of the last Committee, moved, "That a Select Committee be appointed to consider the subject of Emigration from the United Kingdom."

Mr. James Grattan moved as an amendment, "That the state of distress existing in this country at present, and the still greater distress which has existed for so many years in Ireland, requires some more immediate and permanent remedy than any which may be expected to result from the re-appointment of a Committee on Emigration."

In the debate which followed,—

MR. SECRETARY PEELE said, he felt anxious, in consequence of the personal reference which the hon. gentleman (Mr. Baring) had made to him, to explain his views and feelings with respect to the important subject now before the House; and he hoped his hon. friend the Colonial Secretary would do him the justice to say, that he had always taken a warm and lively interest in the present question, whatever the hon. gentleman who last addressed the House might infer to the contrary. If he had taken rather a medium view of the question—if he had not advocated it in a way that its supporters might have wished—he hoped he should not, therefore, be accused of displaying apathy and coldness towards the question. His hon. friend who had introduced the measure, knew that he had frequently and anxiously consulted with him on the subject of emigration. In the view which he had taken of the question, it struck him forcibly that it was essential to success not to proceed

at first on a scale of emigration too extensive and magnificent, but rather to proceed by a rational and quiet mode to effect the object in view. That there were facilities for carrying the plans proposed into execution, none could deny. His noble friend at the head of the colonial department, his hon. friend who had brought forward the present motion, and himself, had had repeated interviews on the subject; the result of which was, that a gentleman, Colonel Cockburn, whose zeal and talents were unquestionable, had gone out to Nova Scotia and elsewhere, for the purpose of personally observing how far the proposed plans of emigration were likely to succeed. He had instructions to extend his enquiries to various subjects connected with the agricultural prospects of those places which he was to visit, and to make observations respecting the quality of the different lands pointed out for settlers. He was further instructed to make a full report of every thing connected with the subject that fell within his observation, so that government might have some rational ground on which to erect whatever plans it might adopt with regard to the subject of emigration. Before the committee closed its labours, he hoped that the report from the gentleman referred to would appear, in order to furnish fresh evidence on which to found whatever proceedings the committee might ultimately adopt. His hon. friend proposed no plan at present. He merely threw out suggestions for the consideration of the House. And what was the amount of the objections raised by the hon. member for Wicklow? Why, that the House should abandon the plan proposed by his hon. friend, because it did not go far enough for his purpose. But if the suggestion of the hon. gentleman were to be acted upon, the House might abandon in utter hopelessness every plan that would be at all likely to alleviate that deep-seated distress, which could never be sufficiently deplored. For himself, he was of opinion that a rational system of emigration would lead to effects the most beneficial to the country, by affording facilities to its impoverished inhabitants of bettering their condition. And it was idle to deny that we must expect a redundancy of hands in a country where mechanical science was carried to such a pitch of perfection. The effect of the recent improvements in machinery was, to throw upon the country a vast number of men who had hitherto supported themselves by labour. Such, for instance, had been the effect of the discovery of the power-loom. It threw out of employment hundreds of thousands; if, therefore, we were to go on improving in mechanics, as we had heretofore done, our working population must be thrown out of employment according as new inventions sprang up to supersede the labour of man. Would it not, therefore, be an object the most desirable, that some good and efficient plan should be adopted by which those poor unemployed persons might be rescued from a state of wretchedness and want, and raised to a race of happy and contented beings? He thought that, by making an outlet for the redundant population, permanent relief would be afforded to Ireland; for she would then be enabled to carry into effect the good she had already begun, by breaking up the system of division in the land, by which a man, perhaps, and his five sons, were wretched landowners rather than comfortable labourers. But in order to effect this improvement, the impediment of a large pauper population must be removed. It was clear, then, that the amendment, which went to shut out enquiry, was not such as the House should attend to.—He was not then prepared to pronounce any opinion upon the two suggestions which had been commented upon by hon. members in the course of the debate; namely, the requiring from parishes to pay to government a remuneration for the expenses incurred in taking out the labourers, and thereby lessening the poor-rates; and the repayment of a sum of money from the emigrants themselves in the shape of quit-rent. He should merely say, that they were questions deserving the most serious, minute, and attentive consideration of a committee; but he should be sorry to pronounce any positive opinion which could by any possibility prejudice the discussion of those two measures. It appeared to him that, for the first experiment, men of fair and honest characters, and of industrious habits, ought to be selected; and if the parishes were to pay a certain sum for each labourer who should be sent out by the government, he was not prepared to say that the parish would select the most active and industrious parishioners for emigration. He did think that the most minute enquiry ought to be made into the state of health, and into the habits of every man selected by the parish, before he was sent out by the government; and also, whether the legal expenses which would be necessarily incur-

red by the payment of the money by the parishes, with other circumstances, would not counterbalance any good which could arise, even if both parties—the payers of the poor-rates, and the persons receiving those rates—should consent (and the consent of both parties would be absolutely necessary) as to the persons who should emigrate. Even in that case, the obstacles which would encumber the plan might make it so difficult of execution, that he was not prepared to say that they were not deserving of the most serious consideration of a committee. Those difficulties would not be applicable to Ireland, because in that country there were no poor-rates; and with respect to emigration from Ireland, some other method must necessarily be devised. As to the other suggestion, of requiring from the emigrants compensation for the expense incurred by government, it deserved serious consideration, whether or not the discouraging prospect of repayment, before the eyes of the emigrant, might not operate as a temptation to him to quit his farm after he had exhausted it, and before the period of repayment should have arrived. It also deserved serious and minute consideration whether, in case the scheme of emigration should be carried to a great extent, the government might not be amply repaid by another method different from either of the two to which he had alluded. What could be more fair than reserving to the government a portion of land, in the midst of the lands granted to the emigrants? It was worthy of consideration, whether or not the government would, by a sale of those lands, in the course of ten or twelve years—when the lands on all sides of it should have been brought into a good state of cultivation, and when those lands allotted to the government would acquire a value which they never would have acquired if the surrounding lands were not in a state of cultivation—be repaid the capital advanced to the emigrants, for the purpose of cultivating their grants. He mentioned this merely to show, that if the plan of repayment by the emigrants were encumbered with difficulties, that the government might not necessarily be induced to give up the general policy of the measure, but that other plans might be devised, which would hold out, not an immediate, but a distant and certain prospect of repayment. It appeared to him that the discussion upon the question ought to be reserved until after all those difficulties had been enquired into and minutely examined by a committee, and some precise plan had been laid before the House. He had been induced to take that opportunity of stating these slight qualifications with which he gave his assent to the plan of his hon. friend, the colonial secretary; and he trusted that it would not be thought that the stating of those qualifications and difficulties proceeded from the slightest want of interest on his part of the proceeding; which, with certain reservations, had his most cordial concurrence.

The amendment was negatived without a division. After which the original motion was agreed to, and a committee appointed.

## GRANT TO THE DUKE AND DUCHESS OF CLARENCE.

FEBRUARY 16, 1827.

In a Committee on the King's Message for a provision for the Duke and Duchess of Clarence, the Chancellor of the Exchequer, after some explanatory details, moved the following resolutions:—

1. "That His Majesty be enabled to grant a yearly sum of money out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, not exceeding in the whole the sum of £3,000, to His Royal Highness the Duke of Clarence, for the further support and maintenance of his royal highness.

2. "That His Majesty be enabled to grant a yearly sum of money out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, not exceeding in the whole the sum of £6,000, to Her Royal Highness the Duchess of Clarence, for the further support and maintenance of her royal highness."

Mr. Hume moved, as an amendment, that the chairman report progress, and ask leave to sit again.

In the course of the discussion,—

MR. SECRETARY PEEL admitted that there was no subject so unpleasant as one like this, which referred to circumstances somewhat of a personal nature, and par-

sicularly when they applied to the condition of the royal family. When he was called upon to justify the proposed grant, he felt the difficulty, if not the impossibility, of demonstrating that £9,000 a-year was the sum that ought to be added to the income of the present heir-presumptive to the throne. Indeed, if the case admitted of so precise a calculation, the details were of such a nature that, rather than enter minutely into them for the purpose of demonstration, he would prefer leaving every gentleman who heard him to draw the line of estimate in his own mind, and apply his computation to the amount now called for. The question was, he thought, really this. Was an addition of £8,000 a-year to the income of His Royal Highness the Duke of Clarence, and of £6,000 a-year to his consort, since he had become heir-presumptive, a reasonable claim or not? That, and that only, was the consideration into which he had hoped the House would have entered. He admitted that the present was a time when the imposition of any considerable expenditure ought, as much as possible, to be avoided. He likewise admitted, that even the expense of the decent splendour of royalty itself ought to be closely examined, and not be permitted to run into excess; still he would say that the circumstances of the country were not such as to preclude the adoption of this grant, provided it were reasonably proportioned to the expenditure which the heir-presumptive was called upon, from his high station, to incur. He repelled the odious charge which the hon. member for Aberdeen had presumed to cast upon himself and his colleagues, that they were influenced, in bringing forward this proposition, by a desire to curry favour with the personage next in degree to the reigning monarch, and contrasted that unworthy charge with the more candid admission of the hon. and learned gentleman opposite, that the real question had no reference whatever to personal considerations, and that he met it upon a sense of public duty alone. He gave that hon. and learned gentleman full credit for being influenced by such a motive; and was it too much for him to claim in return for his Majesty's ministers, that they had recommended this application—upon their own responsibility, and certainly not advised to do so by the Duke of Clarence—from public considerations alone? He could assure the House that the motion proceeded from better motives than any desire to recommend themselves to the grace and favour of the heir-presumptive. He was ready, then, to put the question on the ground called for by the hon. and learned gentleman, and to say, that he honestly believed there would be that amount of additional expenditure in the establishment of His Royal Highness the Duke of Clarence, consequent upon his being placed in the situation of heir-presumptive to the throne. He likewise believed, that in that very situation he would be exposed to claims of private benevolence, which, upon grounds of public importance, it was desirable he should be in a condition to satisfy; but it was contended that the precedent of the Duke of York's grant did not apply to this case, because he did not stand, at the time of its arrangement, in the situation of heir-presumptive. Perhaps, arguing the point with the precise definition of an abstract question of dry law, that might be true, but practically the case was different; and in point of fact, even supposing that the Duke of York's larger income did not accrue to him as heir-presumptive, the precedent *à fortiori* applied stronger in favour of the Duke of Clarence; for in the former it appeared that, though not standing in the first degree, that income had been deemed necessary to support the royal duke in his marriage establishment. He must beg leave to correct the hon. and learned gentleman in his assertion, that when the Duke of York's income was fixed, and even in the subsequent arrangements respecting the establishment of the members of the royal family, the proximity of his late royal highness to the succession to the throne, compared with that of his younger brothers, had not been taken into the consideration. Mr. Pitt had expressly said—"Do not think that this grant is an injustice to, or hardship upon, the rest of the royal family." It was proposed to vote so much to the Duke of York, and so much to the duchess, making £33,000 for the duke, and £4,000 for the duchess. A judgment upon this question must be formed upon the united considerations of many circumstances which, as he had before observed, it was painful to touch upon. Many of them singly might be of little importance; but he contended that the aggregate of them were of considerable weight; and in discussing this subject, he could not dismiss from his mind, that when this £37,000 was granted to the Duke and Duchess of York, the duke was in possession of other property, arising, it was

true, from other sources and from other quarters. The income of the Duke of York was nearly £50,000 a-year; it was, he believed, as nearly as possible, £49,000. Now, the income of the Duke and Duchess of Clarence, who stood in precisely the same situation with the Duke and Duchess of York, would not, in the event of this grant being carried, exceed £38,000. What the hon. and learned gentleman had said about the law recognising only the heir-apparent to the throne, and passing over heirs-presumptive, was perfectly true. He was quite as well aware of this fact as the hon. and learned gentleman was; but why did the law not recognise heirs-presumptive, and why had the House invariably considered them? Could there be any other reason, except that their claims to the throne were equally well-founded with those of heirs-apparent? In this case, were not the claims of the heir-presumptive, in all human probability, as well founded as those of any heir-apparent could possibly be? As to the case of the Princess Charlotte, it must be recollected that that princess was neither heir-apparent nor heir-presumptive, and yet her situation induced that House to allow greater resources for the maintenance of her rank and station. He must therefore say that he did not think this grant of £9,000 at all too much. If the hon. member for Aberdeen had thought proper to exaggerate all the circumstances connected with this matter, and say that these £9,000 would furnish bread for many needy and distressed persons, he would answer, "So would every other grant." And would there not, in all probability, be found distressed objects upon whom such sums could be bestowed? Were not the honour and dignity of the Crown to be considered, as well as the distresses of individuals? And yet every grant to the Crown and to the royal family might be met by the hon. gentleman with precisely the same argument. That hon. gentleman had expressed his astonishment, and represented it as disgraceful, that his majesty had, by his advice, called in the aid of charitable individuals to the relief of the distresses of the country. Of the relief thus obtained that hon. gentleman, by the by, knew so little as to call it £6,000. He believed that nearly £50,000 had been raised. So far, too, was he from considering that the advice he had given to his majesty reflected any disgrace upon him, or upon the government, that, if the same circumstances were unapplicable to require the same remedy, he would not hesitate for a moment to recommend it. So far, indeed, from considering that the means which had been thus adopted, either with respect to the distress in Ireland, or the more recent afflictions of this country, were derogatory to the character of the government, he was prepared to contend that they bore a very different character. Did not the hon. member know that if it had been thought expedient to apply £100,000, or any other sum, to the distresses of the manufacturing districts, it might have been had most willingly. But he ought at the same time to recollect, that the committee which sat then, and still sit at the London Tavern, were decidedly of opinion that no such measure ought to be adopted. They deprecated, indeed, any such exertion of the royal prerogative as likely to become a pernicious precedent, and declared their conviction that it was much better that the funds should be supplied by private subscription than by public aid. These were the only considerations which had influenced him in the advice he then gave and in the course he had followed; and he could not but regret that the hon. member, in the opposition which he thought proper to give to the present motion, had chosen to mix up topics which had no possible connexion with the question; and instead of following the steps of the hon. and learned member and the noble lord who preceded him, and whose opposition and whose protest were founded upon public grounds, had attached to the question arguments and accusations which bordered very strongly upon invidiousness.

On a division, Mr. Hume's amendment was negatived by 167 against 65; majority for the grant, 102.

## CONSOLIDATION OF THE CRIMINAL LAWS.

FEBRUARY 22, 1827.

MR. SECRETARY PEEL rose to bring forward his promised motion. He had now, he said, agreeably to that motion, to apply to the House for leave to bring in four

bills, having for their object the simplification and consolidation of the statutes relating to the Criminal Laws. The first of those bills was intended to consolidate and amend the laws relating to theft, and the various offences connected therewith. The second was to amend the law relating to another class of offence against the subject, namely, a wilful and malicious injury of property. The third bill for which he should move, would be to consolidate and amend the laws relating to remedies against the hundred. And the fourth bill which he should submit to the notice of the House, would have the effect of repealing such statutes as would be superseded by the three first bills, in order not to encumber the Statute-book by the introduction of separate acts of parliament for the attainment of that object. By this means, the three bills which he had already named would not be impeded in their operation by clauses and enactments contrary to their spirit. He had entered last session so fully into the policy and necessity of amending the criminal statutes, that he was not sure whether it were at all necessary to enforce the reasoning which he then used, or to trouble the House with a repetition of his views, notwithstanding some of the members whom he had now the honour to address were not in parliament on that occasion. Indeed, it required no very powerful reasoning to show the necessity and policy of consolidating the criminal laws of this country, and of simplifying, as much as possible, those statutes relating to crime and misdemeanour which had hitherto created so much error and confusion in our courts of justice. Such a course as that of revising and consolidating confused and unintelligible statutes, appeared so consistent with reason and common sense, that he scarcely thought it necessary to adduce any arguments in its favour, where all whom he had the honour to address must agree in the necessity of the measure. He was therefore quite satisfied that the House would sanction the part which he had taken, and confirm the support which his predecessor had given to the subject. The House, however, was not called upon to give a blind judgment: on the contrary, he wished and expected that honourable gentlemen would reserve to themselves the power of expressing an opinion on a subject of such vital importance. Although, however, he had suggested many changes, he had not, after all, proposed any very important alterations in the criminal statutes; because he was desirous of proceeding gradually in the course of improvement, and to avoid as much as possible the use of rash experiments. What he wished was, to collect all that was valuable from existing statutes, and to preserve from a mass of contradiction and confusion various clauses and provisions introduced at different periods into our criminal laws. He was desirous of selecting all that was worthy of being preserved, in order to present to the House a useful and efficient statute, and thus to place, as it were, in juxtaposition all the law connected with the criminal jurisprudence of the country. It was his wish to abolish every part of the criminal statutes that could not with safety be acted on, and to accommodate the laws relating to crime to the present circumstances of the country and the improved state of society.

Feeling, therefore, that the House would agree, in principle at least, to the measures which he intended to propose, he did not think it necessary to trouble them with any further arguments, but would proceed at once to explain the present state of the law relating to theft, which was the subject of his first bill. It was the practice, in criminal courts of justice, to distinguish between grand and petty larceny, and to award different punishments for each crime. It appeared, however, that the only difference between them consisted in the amount of the property stolen; for thus the law stood on the subject. If a man were convicted of stealing an article under the value of one shilling, it was simple larceny, punishable at the option of the magistrate before whom the case was heard; but if the property stolen exceeded one shilling in value, the crime was called grand larceny, to which a capital punishment was attached. Now, after giving to the subject his best consideration, he could not see the necessity of retaining the distinction which the law laid down in these cases. There were many inferior courts spread throughout this country which had power to take cognizance of, and to try persons charged with the crime of petty larceny, but who had not power to try for the crime of grand larceny. The consequence of this was, that both courts and prosecutors, feeling the great expense and inconvenience of sending persons charged with these offences to be tried by the higher tribunals, agreed to evade the law, by stating in the indictment that the



value of the article stolen was less than one shilling. These instances, it was true, were not very creditable to the parties concerned, but they furnished ample reasons for abolishing all distinctions between grand and petty larceny. He would therefore unite the different species of the crime of larceny under one general law; and he would fix as the *maximum* of punishment a sentence of transportation for seven years. It was hitherto the custom to mitigate the sentences affixed to the crime of grand larceny; but he owned he could not see the reason why, if the power existed, a criminal convicted of this crime should not be transported for stealing to the value of two shillings. There was a material difference between grand and simple larceny, when a prisoner was twice convicted. A man who repeated the crime of grand larceny was liable to a sentence of death, without benefit of clergy. He meant to propose that the capital punishment should be dispensed with in this instance. He would propose also to do away with a term which had long been mixed up with the criminal law of England. He meant the "benefit of clergy." It was extremely difficult to apply the term "without benefit of clergy" to any particular crime, and to say what was a clergyable offence. It appeared to him that the law in this particular should be simplified. Instead of saying, therefore, that the man who commits grand larceny a second time was guilty of a capital offence, without benefit of clergy, he proposed to substitute the punishment of transportation for life. This would serve to make the law more clear and intelligible; and he was sure that the House would go with him in every alteration he proposed, whereby the number of capital crimes might be lessened. Thus, the man convicted of grand larceny a second time would no longer be subject to death. In proposing this alteration he was aware, however, that it was not very material, as it rarely occurred that the penalty of death was put in force when a man was convicted of grand larceny a second time; but it was right, at the same time, that the law in this particular should be clear and determinate; for it was one of the just objections brought by foreigners against the criminal laws of England, that we condemned men to death for crimes who were never executed, and whose sentence was, in fact, never intended to be carried into effect. It would therefore be a material improvement if, in every available instance, we could erase capital punishments from the Statute-book, and provide milder punishments, and thereby avoid the mockery of condemning men to death merely because that penalty was attached to the crime which they had committed. He proposed also to mitigate the penalty for stealing in a dwelling-house to the value of forty shillings. According to the law, as it now stood, the penalty of death was attached to that crime. A distinction, however, he conceived should be made; and there were cases in which the punishment of death might be considered harsh and unnecessary. He therefore meant to propose that the sum of forty shillings should be raised to a higher amount; by which means the number of capital convictions for this species of crime would be considerably diminished. He was not prepared to say whether or no it might not be necessary to go further in the plan of reducing the number of capital convictions. Much had lately been done, and much remained to do; but he thought he might claim some credit to himself for having done more towards the great and important object of improving and consolidating the criminal statutes of this country, than any other individual who had gone before him. He never was an advocate for the infliction of capital punishments; and he thought it would be found, on comparing the executions for the last five years in which he had presided at the home department, that they had not increased in number as compared with those that had taken place in former years. Willing as he felt, however, to reduce the amount of capital convictions, he advised the House not to be led away too far by mistaken feelings. If parliament were to proceed too rapidly to overthrow the existing enactments, a strong prejudice might arise in the country against measures that were intended for the public good; and thus the great object of justice and humanity might be defeated.

With respect to the law relative to malicious injuries to property, which his second bill was intended to embrace, he conceived that it might be beneficially altered, and confined within proper limits. He conceived the punishment attached to the crime of cutting down hop-fences, stakes, hedges, &c., was neither clearly nor properly defined; and therefore he proposed to abrogate the law altogether, and try the effects of a milder punishment. Without entering more fully into the

particular clauses of each bill, of which the committee, whose appointment he anticipated, could best judge, he would now only refer to the general principles upon which he came forward to claim the countenance and support of the House. Notwithstanding the very able assistance he had had, he felt considerable difficulty in drawing up the bills which he hoped to be allowed to introduce; owing to the number of abstruse and unintelligible phrases which he found it necessary to use, in compliance with the usage of the law in this particular. The endless repetition of words; the confusion of the singular and plural number; the frequent use of the words "party or parties," "defendant or defendants," "corporations" or "person," had always, he confessed, puzzled him beyond measure, whenever he had occasion to refer to an act of parliament. He had, therefore, in the bills which he had framed, avoided as much as possible the confusion arising from the frequent introduction of words and phrases; and at the commencement of each bill, he had defined the precise punishment for each particular crime, adding to the end of the bill, in order to remove any doubt occasioned by the ambiguity of the language, that the word "person," when mentioned in the body of the bill, should be taken to mean the party accused, whether man, woman, or child, and that the same should hold good with regard to owner, defendant, or defendants, or by whatever term the accused party might be designated.

Whilst he was upon the subject of the criminal laws, he wished to say a few words on a subject which was intimately connected with the question. It would be in the recollection of the House, that some years ago a parliamentary commission was appointed to enquire into the state of the several courts of law, and into the fees and emoluments of the judges. All those venerable and respectable individuals submitted cheerfully to the investigation; yet, in the minor and subordinate courts of justice, no enquiry had been made respecting the nature and amount of fees and other emoluments of the persons officiating in them. He had heard, and he believed, that great abuses existed in those courts. For instance, the other day a demand was made for heavy fees from persons who had actually been acquitted of the crimes with which they had been charged. The House must see the manifest impropriety of tolerating such a monstrous anomaly. So that it would have been mercy to the accused if the judge had found him guilty, because in that case his punishment would have been less by the amount of fees which, as an acquitted man, he was called upon to pay. A man acquitted by a jury of his country should be free of any such odious impost; and any attempt to punish him, either in his person or his pocket, after that acquittal, was a direct libel on our boasted trial by jury. He was therefore strongly inclined to recommend an enquiry into the fees of officers attached to the minor courts of law. The office of sub-sheriff he also considered ought to be enquired into. It was an office with which he was himself very little acquainted. He only knew that in some counties the fees amounted to £600 or £700 a-year, and that the situations were eagerly sought for; while the office of sheriff was considered so much the reverse of desirable, that applications were constantly made by gentlemen appointed to be relieved from serving. He would therefore, should he see occasion, submit a proposition to the House, to enquire into the fees and emoluments attached to the office of sub-sheriff—an appointment with regard to which he should wish to be enlightened.

The office of coroner was also one in which he conceived improvement might be made. The coroners of England had, in a body, petitioned parliament, praying for an increase of salary, and representing how very inadequately they were paid. He found, however, that although the office of coroner was burthened with so many wants, it was a situation which, somehow or other, gave rise to very considerable competition whenever it became vacant. He, indeed, had heard of instances in which contests for the situation of coroner had been as expensively carried on as in contested elections for the return of members of parliament. He should be happy to hear, therefore, how it was that coroners were so inadequately paid, and that the office was nevertheless so greedily sought after. The offices of clerk of the peace and clerk of the assize ought also to be investigated, with a view to ascertain the nature and amount of fees attached to such appointment. Without throwing out any insinuation against individuals holding those offices, he wished to know by what authority those fees were demanded. Another office requiring investigation was

that of clerk to magistrates. It would also be desirable to ascertain the amount of fees demanded and taken by such persons, and the authority under which they were demanded. Without pointing out particular cases, there were instances enough of the misconduct of magistrates' clerks; and that honourable and independent body, the magistrates of the country, should be careful whom they appointed to fill those situations. These points, though not immediately connected with the bills which he meant to move for, were nevertheless connected with the due administration of justice, and were therefore points to which the attention of the House should be particularly called.

There might be some individuals who might think that the alterations which he was now suggesting were founded, after all, more upon theoretical reasoning than practical experience. He had not as yet found, however, that the propositions which he had already submitted to the House with regard to the improvement of the criminal law, had failed of their effect. In proof of which, he might mention the bill for the better regulation of juries, which had lately come into operation. He knew it was objected to the measures which he should now have the honour to propose, that if they passed into law it would soon be necessary to come down to parliament with fresh laws to amend the new ones. He had not heard, however, of any such result from the Act for the better administration of justice which he introduced last session. He was not aware that the act giving power to magistrates to accept of bail in cases of doubtful felony had not been attended by good effects; on the contrary, he had heard it well spoken of, and he was therefore fortified by past experience in anticipating great practical good from the measures which he was about to propose. He certainly had heard of objections to another of his bills, which, if founded in truth or justice, would lead him to disparage his own exertions. The bill which he alluded to had passed last session, and its object was to facilitate the course of justice, by providing that poor persons, who were prosecutors in cases of misdemeanour, should be enabled to seek justice at the public expense. He was not prepared to contend that the county rate should bear the whole of this burthen, but he thought it but just and proper that prosecutors who had not the means of obtaining justice themselves, should be enabled to do so at the expense of the county in which they lived. It was said that, in the county of Surrey, an enormous expense had been incurred in consequence of the endeavours which had been used by the police to discover the perpetrators of an atrocious murder, which was still involved in mystery. The whole of the expense attending that occurrence was said to be the effect of his bill. But his bill had nothing whatever to do with the expense incurred on that occasion; and although he had paid money on account of the transaction from the Home-office, yet not a farthing was drawn from the county in consequence of the existence of that bill. To quote another instance of the spirit with which that bill had been treated by some: it was said that the expense incurred by bringing up witnesses for prosecutions in the last sessions at Westminster, the Old Bailey, and Clerkenwell, were enormous, and considerably disproportioned, when compared with the charges of former years. He found the following charge in print:—"Last year the expense incurred for witnesses to attend Westminster, the Old Bailey, and Clerkenwell sessions, amounted to the sum of £2,343, whereas, in the former year, the expense for witnesses was only £1,297, the expense this year being nearly double: so much for Mr. Peel's bill." This statement, however, was as untrue as the inference attempted to be drawn from it was unfair. The number of felonies tried at those sessions this year was five hundred and twenty-one; and the year before, the number tried was four hundred and six, so that there was only an increase of one hundred and forty-five cases; and those were very aggravated cases, in which the prosecutors were of the lowest order, and were consequently obliged to be supported during the time occupied by the trials in which they were called as witnesses; and, after all, the sum which the court admitted for their expenses amounted to no more than £145. So far was the expense from being doubled, that it was only the trifling sum which he had just mentioned.

He hoped that the statement into which he had just entered would induce gentlemen to pause before they came to the conclusion, that the alterations which he had made in the criminal laws had tended to increase the expense of administering them. There were some gentlemen, he believed, of opinion, that the law ought to

remain as it now was, on account of the expense necessarily incurred in altering it; whilst there were others who entirely scouted the question of expense, and thought that in his alterations of the law he had by no means gone far enough. To the latter he would say, that he was not inclined to proceed hastily in experiments on legislation; and to the former, to those he meant who complained of the expense, he would observe, that, by adopting the course of devolving upon single individuals the consideration of particular laws, instead of devolving upon a commission of several individuals the consideration of the whole system of our criminal law, the whole charge to which he had subjected the country by his jury bill, and the other bills which he had introduced in the five years during which he had acted as secretary of state, did not amount to more than £1,200. He declared upon his honour, that he doubted whether so much progress would have been made in the task of consolidating the laws, or whether the labour already performed would have been performed half so well by a commission consisting of individuals with salaries of £1,500 a-year, as it had been performed by the individuals who had assisted him for a much slighter remuneration. One advantage attending the quiet and steady course which he had pursued was this—that he had been able to procure the assistance of the judges in the revision of the bills which he had submitted to parliament. They had given the most willing attention to the various new clauses which had been introduced into those bills by the learned gentleman who had prepared them; and he had received from them all the most valuable assistance, because he had not overburthened them with too many applications at once. Some gentlemen might think it an easy task to form a criminal code; but he would appeal to the noble lord opposite (Althorp), who had undertaken to consolidate the law upon one subject only, whether the difficulties in detail of such a measure were not infinitely greater than would appear at first sight to any person who was unacquainted with them.

He must also say that he had another motive for proceeding gradually and slowly in this matter. It was necessary to carry along with him all the instruments engaged in the administration of justice; for if too many changes were suddenly made in the laws of daily and ordinary occurrence, and if what was declared law were not executed well, no advantage would result to the country. He was aware that a more splendid fame might be acquired by attaching his name to the introduction of a new code of law, as had been done elsewhere; but greater advantage to the country would be gained by convincing the people, who were justly attached to their ancient institutions, that the circumstances which had given rise to them were either altered or gone by; that they could be amended and improved; and that the rust and impurity which they had acquired by the lapse of time and carelessness of legislation, could be removed without injuring their substance or impairing their strength. The House would confer greater benefits on the people by reconciling them to the improvements which it sanctioned, and by showing them that those improvements could be made without any practical inconvenience, than by attempting too much at once in the shape of innovation, and by leading them away by splendid illusions of general improvement. He would be content if, by his humble efforts, a gradual reform could be effected in our criminal law, without leading to any great practical inconvenience; and he trusted that, so far from dissatisfaction being excited by the attempts of the House to accommodate ancient usages to the necessities of modern times, the attachment of the people to those usages would be increased by their being convinced that the foundations of those usages were only widened to receive additional strength, and that it was wiser to amend them where they were defective, than to maintain them steadily because they were antiquated imperfections. He would now move, "That leave be given to bring in a bill for consolidating and amending the laws in England relative to Larceny, Burglary, and Robbery."

After a short discussion, Mr. Peel said he should be guilty of great injustice to the House if he did not briefly express the gratitude which he felt for the general support which his proposed measures had received. It was most gratifying to him to observe a complete oblivion of all party and personal feeling, when the object before the House was an endeavour to effect a great public benefit. Such a support was the most honourable testimony that could be borne to the utility of his efforts and the uprightness of his intentions. He would not, on the present occasion, make any observations on the subject which had been alluded to by an hon. gentleman

opposite; he meant the melancholy increase of crime. He had, however, caused comparative tables to be drawn up, and he was sorry to observe, but he owed it to justice to declare, that the comparison of the present with former periods was not satisfactory. Perhaps, however, the overgrown amount of the population might be adduced as one of the reasons which produced that unfavourable result. That, however, this subject had not escaped his attention, and that he meant to endeavour to apply some remedy for the evil, must be obvious to the hon. gentleman, as he had given notice of a motion for an enquiry into the state of the police within ten miles of the metropolis. When that motion came forward, the whole question could be discussed.

Leave was given to bring in the several bills.

### BRIBERY AT ELECTIONS.

FEBRUARY 26, 1827.

An adjourned debate took place on Lord Althorp's motion, made on the 13th instant—"That a Select Committee be appointed, to whom all Petitions which shall be presented to this House, after the expiration of the time allowed for presenting Petitions against the validity of the Return of any Member of this House, by any person or persons affirming that general Bribery or Corruption has been practised in any Borough, Cinque Port, or Place, for the purpose of procuring the Election or Return of any Member or Members to serve in Parliament for such Borough, Cinque Port, or Place, shall be referred, and that they report their opinion thereon to the House."

MR. SECRETARY PEEL said, that the right hon. baronet (Sir J. Newport) had certainly brought forward no very powerful argument in support of the resolution of his noble friend, because, though he decided upon giving it his aid, he had also declared that he knew of a better remedy, and promised to bring forward a bill for its enactment. Upon every principle, therefore, whether of supporting the present constitutional system of enquiry, or of waiting for the more efficient remedy of the right hon. baronet, he was bound to resist the proposition of the noble lord. Before he went into the merits of the question before the House, he would take the liberty of making a few observations upon the remarks of the noble lord opposite. That noble lord had observed that the measures which had been brought forward for ameliorating the criminal law, had met with the cordial assistance and support of the members on the opposition side of the House, and that they were as anxious in forwarding any improvements as if those improvements had emanated from themselves. For the conduct of hon. gentlemen on the other side of the House in that respect, he certainly felt the highest respect; and he most cordially joined in approbation of that oblivion of party principles and political differences which had been manifested by them, as well as of the assistance which they had rendered him in his humble endeavours to improve the institutions of the country. But although he was quite disposed to concur with the noble lord in his approbation of those who acted with the noble lord, he could not admit of the justice of the censure passed upon those whose views coincided with his own. He could not concede that there was a disposition on the ministerial side of the House to resist whatever propositions proceeded from those hon. members whose general politics were of an opposite character. The noble lord had referred, in the course of his observations, to two individuals, to whom he (Mr. Peel) could also refer as instances of the absence of the feeling imputed to him and his colleagues; namely, the noble lord, the originator of the present measure, and the hon. member for Westminster. When the hon. member for Westminster suggested the inexpediency of officers of the Crown interfering in the appointment of special juries, so far was he (Mr. Peel) from resisting the measure because it proceeded from the other side of the House, that he actually brought in a bill to prevent any such interference being exercised. And when the noble mover of the present proposition brought in a bill to facilitate the recovery of small debts, which met with a good deal of opposition, he, instead of rejecting the measure from the motives assigned, supported it; and the noble lord having complained of the difficulties he encountered from the want of official information and official aid, and requested him

to undertake the measure, he gave no proof of a desire to oppose it, on the ground of its having emanated from the opposition side of the House; for his answer was, that, although unwilling to deprive the noble lord of the credit of the bill, he was quite ready to afford him any assistance in his power for its advancement. Therefore he could not join in the censure conveyed by the noble lord upon those who co-operated with him. But while he contended that it was most unfair and unjust to attribute to him and those whose sentiments he shared, a repugnance against measures brought forward with a view to the reformation of abuses, on account of their having been brought forward by hon. members sitting on the opposition side of the House, it would be equal folly and equal weakness to suppose that they were bound to admit detailed propositions of which they did not approve, merely because they proceeded from the other side. Although he might agree with the hon. gentlemen opposite as to general principles, he had a right to reserve to himself the liberty of judging whether the means proposed for checking an abuse or instituting a beneficial alteration, were efficacious or proper. So, although no man could be bold enough to stand forward in vindication of bribery or corruption at elections, yet it was but fair that he should be allowed the privilege of examining whether the proposed mode of suppressing it were a proper mode. For his own part, he was convinced that any alteration would be much better carried into effect by means of a specific bill to regulate the proceedings, than by a resolution to refer such matters to a committee. He considered it would be painful to affirm or to reject any charge of such a nature, against any member of the House, by such a committee; and he would leave the House to judge of that, even upon the statement made by the noble lord (J. Russell), that they were to perform only the office of a grand jury in receiving evidence. But the resolution of the noble mover concluded by saying, "And that the committee do report their opinion thereon to the House." He would then ask whether the House could come to an unprejudiced decision, when the noble lord proposed that the committee should consist of those members of the House who were most remarkable for "their probity, sagacity, and integrity?" And he would also ask whether the naming of any number of persons, as thus distinguished above their equals, would not be an insult both to the constituents of every member not on the committee, and to the elected themselves? Every man in that House, no matter what were the numbers or the power of his constituents, possessed equal rights, and there could be no reason why any particular persons should be presumed to possess a mental superiority. It would be, in fact, to put a particular mark for sagacity and integrity on certain individuals. He would not submit to have such a mark placed on, or such a power entrusted to, any twenty-one men. But supposing that such a thing were done, and a selection, the purest that could be made, were resorted to—what would be the consequence? The more pure the selection, the more binding would be their decision; and that decision made upon what, too? Why, upon *ex-parte* evidence. But what kind of sagacity would be exhibited in deputing any number of men, for an unlimited time (as was proposed by this resolution), to pronounce opinions and give decisions upon the conduct of all those who were as competent and as fully entitled as themselves to pronounce upon the conduct of others? He would not so far outrage the grounds of his opinions as to proceed further upon this point; but as a comparison of this committee to a grand jury had been made, let the House see how they could be compared. A grand jury no more resembled such a committee than the juries of the Court of King's Bench, or of any other court, did. A grand jury was chosen from the people for a short and limited period, and merged almost at once back again amongst them. No one knew beforehand who was to be on it. It had no permanent jurisdiction to enquire; and whatever came before it, had been before verified upon oath before the magistrates. But what was to be the limitation of the jurisdiction of the proposed committee? Was every complaint from every individual relating to every town, to be received and examined by it? According to the resolution, every case of alleged bribery or corruption was to be submitted to the committee, and without any qualification or restriction. No provision was made with respect to security. Again, he were desirous to know whether it were proposed that the proceedings before this committee should be carried on at the expense of the public or of the party; for this point, too, was left unsettled. Nor was any period of liability specified. What! was every member to be exposed for five years

to come, if parliament should last so long, to the accusations of any man who might choose to prefer charges without incurring any responsibility, or subjecting himself to any penalty? There were no recognizances to be entered into by any party who might thus come forward; nor was it stated whether the enquiry were to be made at the public expense. If such a measure were to be adopted, a bill would be the course to be pursued; for in its progress all those proper and necessary restrictions would be introduced, and he would therefore prefer waiting for the bill of the right hon. baronet. He could most sincerely declare that he knew not on which side of the House the hon. members for the borough alluded to by the hon. member for Berkshire, sat; but if that hon. member would tell him that there was a borough in which, six months after an election, a man went about the town with £20 notes, to pay electors for their votes, imagining that because the fourteen days prescribed by law had expired, they could practise these arts with impunity—if that hon. member would cite the mayor and corporation of such borough, he would take upon himself to assert the privileges of the House; and if a *prima facie* case of corruption should be made out, he would consent that “the Miller” himself should be brought to the bar of the House, and would institute as rigid an enquiry as was sought for by this resolution, against which he now expressed his determination to vote.

Mr. W. Wynn, not approving of the form of Lord Althorp’s resolution, suggested the following as a substitute:—“That all persons who will question any future return of members to serve in parliament, upon any allegation of bribery or corruption, and who shall in their petition specifically allege any payment of money or other reward to have been made by any member, or on his account, or with his privy, since the time of such return, in pursuance or in furtherance of such bribery or corruption, may question the same at any time within twenty-eight days after the date of such payment, or, if this House be not sitting at the expiration of the said twenty-eight days, then within fourteen days after the day when the House shall next meet.”

Lord Althorp declining to withdraw his resolution, it was negatived without a division. On the proposition of Mr. Wynn being put, Lord Althorp said he was willing to support the resolution, because he felt considerable anxiety for any beneficial alteration of the law on this point.

Mr. Peel concurred in the opinion of the noble lord (Milton), that the scope and object of the resolution now before the House was different from that of the proposition which had been rejected, and for that very reason he would support it. It was, in his opinion, an improvement of the Grenville Act. Under that act, when no promise in writing was received, when no bond was given, when no sum was paid, but an understanding was entered into between the parties, that, at a certain time after the election, a *douceur* should be given, then the law might be evaded. But his right hon. friend’s resolution provided this further security, that within a definite time, if a specific fact were stated, the party might have redress; he would support the resolution, because it was a considerable improvement of the existing law.

After some further discussion, the debate was adjourned.

## THE COURT OF CHANCERY.

FEBRUARY 27, 1827.

The Master of the Rolls (Sir John Copley) after a long and elaborate speech, moved, “That leave be given to bring in a bill for the improvement of the Administration of Justice in the Court of Chancery.”

Late in the very long debate which took place on this occasion,—

MR. SECRETARY PEEL hoped, though the hour was late, and the House in a very exhausted state, that they would not think he was preferring, after the speech of the hon. and learned gentleman opposite (Mr. Brougham) an unreasonable claim to their attention and indulgence, by detaining them by a few brief observations. There was no man, under any circumstances, more incapable than he was of entering into a discussion of the merits of the one hundred and eighty-eight propositions

of the commissioners! though, if he had had leisure, he should have paid them great attention. But he would fairly own that his other avocations had occupied him so much, that he had not had sufficient time to give them that consideration which they deserved, and which alone could enable him to form an accurate judgment of them. Before he referred to the speech of the hon. and learned gentleman, there was one point on which he wished to make one or two remarks. There was one subject upon which, whether a man were a Chancery lawyer or not, and whether he had studied the report or not, he would be able to form an opinion. He alluded to the state of our law relative to the transfer of real property, and the difficulty there was in making out a good title. There was no man who had purchased or sold real property who had not been made aware of the numberless modes which might be, and sometimes were, had recourse to defeat a just contract; and thus, whether some means might not be adopted to put an end to such proceedings, to facilitate the establishment of titles to landed property, and to give its owner a more ample security, became an object well worthy of attention. There therefore was one passage of the report—for he had read that, though he had not had time to examine the whole of the resolutions—in which he heartily concurred. The commissioners state, that “No person can have had much experience in courts of equity without feeling that many suits owe their origin to, and many are greatly protracted by, questions arising from the niceties and subtleties of the law and practice of conveyancing. Any alteration in this system must be made with the greatest caution; but, as connected with the object of saving time and expense to suitors in the Court of Chancery, we venture to submit to your Majesty’s consideration whether it might not be proper to commit to competent persons the task of examining this part of our law, with a view of determining if any improvement may be safely made in it which might lessen the expense and narrow the field of litigation respecting the transfer of real property.” In this view he fully concurred; but he felt there were great difficulties connected with the subject, and that it was one which ought to be approached with the greatest caution. He did not exactly see why he should be applied to on this subject; perhaps it was on account of his situation, and because he had made the improvement of another branch of our law the object of his study; but he had, on more than one occasion, received offers from men of the highest talents to contribute their assistance towards improving this part of our law; and only a few days ago he had received an offer of services from a gentleman of such great talents—an offer so tempting—that he did not wholly despair of being shortly able to devolve on a few persons—and he thought a few would be better than many—he did not despair, he said, of being shortly able to devolve on a few distinguished persons the task of forming a commission meriting the confidence of the House and the country, which should consider the best means of carrying into execution the recommendation of the report, to lessen the expense and narrow the field of litigation respecting the transfer of real property. If the enquiry were to devolve on such men, he was sure the appointment of such a commission would meet with the cordial approbation of the public, [hear, hear!] After these observations, he would proceed to notice the speech of the hon. and learned gentleman. He could assure him that in speaking of the Lord Chancellor, he was under no obligation to him; he had never received from him any personal favour; and if he then rose to repel what he thought unjust accusations, he could assure that hon. and learned gentleman and the House, that he did it only from that respect which he bore him as a colleague, and from that personal friendship which the House would not undervalue. He hoped the House would bear in mind that the very severe attack which had been made by the hon. and learned gentleman on the Lord Chancellor, had been made in his absence.

Mr. Brougham interrupted the right hon. secretary by stating, that he was authorized by the constitution of that House to make what observations he thought fit with reference to a minister of the Crown, notwithstanding that he was of necessity absent.

Mr. Secretary Peel said, he did not deny the hon. and learned gentleman’s right to make the attack; he only wished to remind the House that it had been made on the Lord Chancellor in his absence, in a place where he had no right to come, and which made it the duty of those who entertained for him feelings of respect, to vindicate him from an attack which he had a right to say could not have been expected



on such a motion, [hear, hear !] And he wished the hon. member for Durham, who now cheered, would recollect that in his speech he had been very tender of the character of solicitors, and had called on the House not to attack men who had no means of replying to the accusations, and who were not present to vindicate their characters. Though he was sensible that there was a great difference between these solicitors and a minister of the Crown, yet the absence of the Lord Chancellor was the reason why he stood up to defend him, not intending, however, by so doing, to question the right of the hon. and learned gentleman to make any attacks he pleased on the ministers of the Crown. He would first state, that he thought it was not consistent with fairness to attempt to throw discredit on the minister of the Crown for his private conduct. He would admit the right to call into question his mode of discharging his public duty; but he appealed to the good taste of the hon. and learned gentleman, and to the sense of the House, if it were proper to go into an examination of the faults of his private character, and make it a matter of reproach to the Lord Chancellor, that he employed the emoluments of his office in heaping up money, until he had accumulated a fortune of a million and a half? If this accusation were not true, he would appeal to the House whether he were not justified in repelling it? The hon. member for Colchester also had stated, that the Lord Chancellor's emoluments had been swelled by the enormous sum of £20,000 a-year, accruing from the bankruptcy department of his office. And was such a statement not to be contradicted? The amount of the income of the Lord Chancellor had, on a former occasion, been laid before the House; and out of that income he had to pay subordinate officers' salaries, amounting to £2,500 per year. He did not recollect the exact amount of the Chancellor's income, as he had not looked at the subject lately; but he believed it was less than £14,000 per year, and about £13,500. When it was considered that this was the chief prize in the lottery of a very uncertain profession, he thought no man would consider £13,500 per year too large a salary. The hon. and learned gentleman had insinuated that the Lord Chancellor had used the influence conferred on him by his situation, to prevent some of the judges being promoted to the peerage. He believed the hon. and learned gentleman to have been misinformed. He would not enter into the circumstances which induced his Majesty to confer a peerage; but he would say, as to the present Chief-justice of the Court of King's Bench, who had at all times discharged his duty in a manner that would do honour to the judges of the highest character who had ever filled his high office, that the Lord Chancellor had never thrown the slightest obstacle in the way of his promotion to the peerage, and could have no occasion to fear in him either a competitor or a rival. But the Lord Chancellor had, according to the hon. and learned gentleman, used his influence to raise an equity judge to the peerage, in whom he might indeed have expected a rival, and he had used his influence to keep back the Chief-justice, who, from being in another branch of the law, could never have come in collision with him. Nor could he fail to remark the conduct of the hon. and learned gentleman in holding up a judge to approbation for his undivided attention to business, and for his despatch in giving his judgment, when his object was to disparage the Lord Chancellor; when, at other times, that learned judge was the object of the hon. and learned gentleman's attacks. But it served the hon. and learned gentleman's purpose now to praise that noble lord at the expense of the Chancellor. It was but justice in him to pay a tribute to the memory of Lord Gifford; but if there were any judge more capable than another of exciting a feeling of jealousy such as the learned gentleman imputed to the Lord Chancellor, it was Lord Gifford, but who had excited no such feeling as that which the hon. and learned gentleman had attributed to the Chancellor, and which had certainly never influenced his conduct. The learned gentleman had been exceedingly severe on those who had advocated the appointment of the commission, and had said that, when the commission was proposed, he had observed a smile on the faces of the ministers, as if they intended by the commission to defeat some hostile purpose of the opposition. He denied that the smile—if smile there were—could justify such an inference. He had consented to the appointment of that commission in common with his Majesty's ministers, from a sincere conviction that its members would honestly, conscientiously, and zealously perform the duties assigned to them, and confer essential benefit upon the country. The choice the House was called upon to

make, rested between the commission then proposed and that which was sought to be obtained by the hon. and learned member for Lincoln (Mr. J. Williams), after a speech in the highest degree criminatory of the Lord Chancellor. It was impossible for him, or for any other man, to deny that the system of the Court of Chancery presented great impediments to the administration of justice, and entailed a grievous expense upon the suitors. He had proposed the commission with a full sense of those evils, and from a conviction that a commission so constituted could devise the most effectual means of relief; but if he had stood alone in that House, and not a single member could have been found to support him, he never would have consented to the appointment of a criminatory commission, such as was moved for by the hon. and learned member for Lincoln in a speech in which that criminatory commission was advocated, and which speech was seconded and supported afterwards by many other members of the same side of the House. In that speech the hon. and learned member said, "It is not the system, but the man. I mean not to criminate the system, but the man; and it is into his conduct that I call for an enquiry." He thanked God that they did not listen to that appeal. He thanked God that the House had withstood the attempt to humiliate the Lord Chancellor, and that they did not submit to have the Lord Chancellor dragged from his high situation, forced to abandon his court, and brought to wait in humble attendance upon a quorum of those who were to be appointed to sit in judgment upon his conduct. He believed they never could, however, have had the satisfaction to witness such an act of degradation. He was sure that that illustrious individual knew too well the respect due to his own character, and to the high station he occupied, to have consented to hold office for one instant after such a commission had been appointed. He was sure the Lord Chancellor of England never would have been found dancing attendance upon a quorum appointed to enquire into his conduct for the purpose of crimination; and that he never would have so far forgotten the respect due to the office which he held, as to have brought the great seals of England to the doors of any place which such a commission might occupy. And who was the man that it was now sought to bring to that degradation? And in what terms did even his enemies speak of him? The hon. member for Colchester admitted that the learned lord had done more than any of his predecessors, and that the defects of the system ought not to be attributed to him. That hon. member, in a speech which displayed great knowledge of the subject, and which was calculated to make a considerable impression upon the House, admitted that the defects belonged to the system, and not to the man. And, after admitting that the learned lord had done more than all his predecessors, the hon. member concluded his panegyric with these emphatic words—"his decisions, though slow, are always accompanied by a security which amply compensates for the delay." The hon. member for Colchester was followed by a gentleman totally unconnected with the profession of the law, holding a high rank in that House and among the commercial men of the country. The hon. member for Midhurst (Mr. John Smith) admitted that "no man in his high situation had ever had so much to do as the Lord Chancellor, and that no man had ever done so much." He again was followed by the hon. and learned member for Winchelsea. And in what terms did that hon. and learned gentleman speak? He admitted that in the whole course of his experience he had never pleaded before any judge with so much satisfaction as before the Lord Chancellor, not alone from his invincible patience, but from his urbanity, his profound legal knowledge, and his discernment in detecting the slightest fallacy. And the learned gentleman went on to say, that if he had a fault, it arose from a sincere desire to administer the most rigid and impartial justice. He had thus quoted, he would not say from the mouths of his enemies, for enemies he hoped they were not, but from the mouths of his political opponents, testimonies to the character of the Lord Chancellor, as high as any man could be ambitious of obtaining. He would not attempt to weaken their effect by any thing which he could say; and he would therefore only add, that if the description thus given were a true one, he had great consolation in the reflection that he had raised his voice against the appointment of a commission, the avowed object of which was, not to enquire into the system, but to criminate the man. He would now say a few words with regard to the charges brought against himself. It was perfectly true that he had recommended the ap-

pointment of the members of the commission, and he had done so because he thought they would honestly execute the task assigned to them, and because he further thought that they were the men most competent to the duties which were to be performed. The hon. and learned gentleman said, however, that the commission was composed wholly of the friends and immediate dependents of the Lord Chancellor—persons who either owed him obligations for favours past, or were seeking obligations for the future. He could not, he confessed, avoid feeling astonished at such an assertion. The Vice-Chancellor was one of the commission. What motive could he have to screen the Lord Chancellor's errors, or to decide according to his wishes? Mr. Hart was another—a gentleman high at the Chancery bar, seeking neither favour for the future nor owing obligations for the past; for he believed that he was indebted for his silk gown to the recommendation of Lord Erskine. He could have no motive for concealing a fact or changing the truth. Mr. Bell was another person proposed to be a member of that commission. He had himself intimated to Mr. Bell his wish that he should become a member, but not until Mr. Bell had retired from practice at the bar. It was impossible therefore to accuse that learned gentleman of a desire to curry favour with the Lord Chancellor. Then there was the hon. and learned member for Tregony (Dr. Lushington), and the hon. member for Lincoln (Mr. R. Smith), and the hon. and learned member for Calne (Mr. Abercrombie), none of whom were likely to be influenced by any improper motives in their decision upon the objects of the enquiry. Was it possible, he would ask, that all these gentlemen, some of them members of that House, who almost uniformly espoused the hon. and learned gentleman's views in politics, should be so weak and effeminate as to suffer themselves to be deluded by the Lord Chancellor's urbanity of manners into a consent to propositions which they knew to be decidedly erroneous? The very supposition on the part of the hon. and learned gentlemen was a species of censure which he would not venture to cast upon them. If they felt, however, that the commission was pursuing a course which they could not approve, why did they not decline to give their attendance? Was not that the course which would have been obvious if the proceedings were not satisfactory to them? But even the hon. and learned member for Lincoln (Mr. John Williams) had declared at the close of the last session, that he thought it due to the commission to state, that the whole of their proceedings had been marked by the most anxious desire to investigate the subject of their enquiry. No man, however hostile, had refused to bear testimony to the indefatigable perseverance of the commission, in getting up what the hon. member for Durham had, however, been pleased to call a very flimsy report [hear!]. If any gentleman wished to know what was the daily labour of the Lord Chancellor for the last three years, and what was the amount of business disposed of in the Court of Chancery, let him turn to the pages of that "flimsy" report, and he would find it described with the most painful particularity. It was to his mind a most painful and humiliating sight, to see the daily occupations of such a man as Lord Eldon detailed. But if any gentleman wished to see them, let him turn to that report, and he would find them. He was not one of those who thought the Lord Chancellor—the first lawyer in the kingdom—ought to be excluded from all connexion with the cabinet. He did not think that the first law-officer in the realm should be precluded from giving his opinion upon those cases of criminal law which came before the government; and if there were any who thought, in looking at that report, that the Lord Chancellor had not done enough in his six hours a-day, let them recollect the various other avocations which required a share of his attention. Let them take the whole tenor of that excellent person's life: let them consider the panegyrics bestowed upon him: let them remember that there never has been the slightest imputation of any thing like a departure from the purest integrity: let them consider that the whole *gravamen* of all the charges against him rested upon a too scrupulous desire to administer impartial justice; and when they had further recollected that he has held the situation of Lord Chancellor for a longer period than any learned lord who ever preceded him—dispensing justice with an impartiality never questioned—let them say, whether any man of feeling could consent to a course which must have brought down those grey hairs with sorrow to the grave, as he was confident they must have been brought down, had the motion for a criminal enquiry into his conduct received the assent of that House.

Mr. Brougham, in explanation, begged to observe, that in speaking of the private fortune of the Lord Chancellor as being a million and a-half, he did not intend to describe it as amounting to that sum, but merely as being, according to common rumour, very large.

Mr. Peel said, that his earnestness on the subject proceeded from a desire to guard against the probability of such report going abroad among the people at the present moment, as that the Lord Chancellor had amassed an immense fortune by bankruptcies; such an assertion being calculated to make an impression which might be extremely prejudicial.

Mr. Brougham said, he had made enquiries as to the income of the noble and learned lord, and had found that it never exceeded £18,000 annually, and that the bankruptcy portion of it did not amount to a fourth of that sum.

After a few brief remarks from Mr. Abercrombie and Mr. Peel, leave was given to bring in the bill.

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## CATHOLIC EMANCIPATION.

MARCH 2, 1827.

In the debate which arose on Sir William Plunkett's presentation of a petition from the Roman Catholic Bishops of Ireland, praying for a repeal of the disabilities which affected their body,—

MR. SECRETARY PEEL said, that before he came down to the House, he had formed a resolution not to express any opinion on the subject now under discussion. He should, therefore, cautiously abstain from offering any remarks at present on a question that was appointed for discussion on an early day. If, however, he carefully abstained from entering upon topics that would soon be discussed, he hoped no one would suppose that, on that account, he felt less interest in the question. He preferred, however, to reserve his opinions for the occasion, when he could state them more at length than it would be proper to do now. His object in rising was to present two petitions. The first was from the University of Oxford. The right hon. gentleman proceeded to read the substance of the petition, which prayed that no further concessions might be made to the Roman Catholics. The next petition which he should present was attended with circumstances which claimed the peculiar consideration of the House. It came from the undersigned Protestant noblemen, gentlemen, and landed proprietors of Ireland. He believed there were no less than one thousand two hundred signatures attached to it. Among them were the names of several noblemen and persons of the highest rank and station in Ireland, who were now discharging their several duties as magistrates, grand jurors, &c. The names of twenty-seven peers were also attached to it; and he was sure he should not overstate the amount of property in the possession of the petitioners, when he said that it could not be less than £1,000,000 sterling annually. He had a personal knowledge of several of the petitioners; and he would appeal to any who differed from him in opinion as to the Roman Catholic question, whether any set of men could be found of greater worth, credit, and integrity. When he stated that twenty-seven Irish peers had signed this petition, he might add, that every man whose name was attached to it was a resident landowner. Every one who did not come within that class, however high his rank or fortune, was excluded from joining in this petition. No persons were more interested in the welfare of Ireland than the petitioners. Not a sentence in the petition could be traced to any hostile feeling. No acerbity of language was used. The petitioners merely prayed for a continuance of the laws by which Roman Catholics were excluded from power; and they proceeded to state the grounds on which they conceived that continuance necessary. He was glad to be selected as the channel through which this petition was to be presented to the House. He could not look at the names subscribed to it, without recollecting how many of them deserved well of their country, on account of the public services which they had rendered to it as magistrates; and how many of them were entitled to the admiration and respect of all those who came in contact with them in private life, on account of their many amiable and valuable qualities. He

was therefore grateful to them for having selected him as the organ to make their wishes known to the Commons House of Parliament on this all-important subject.

The petitions were ordered to lie on the table.

MARCH 5, 1827.

Sir Francis Burdett, pursuant to notice, proposed as a resolution,—“That this House is deeply impressed with the necessity of taking into immediate consideration the laws imposing Civil Disabilities on his Majesty’s Roman Catholic Subjects, with a view to their relief.”

MARCH 6, 1827.

In the adjourned debate on Sir Francis Burdett’s motion,—

MR. SECRETARY PEEL said, if he were to consult merely his own personal convenience, it would incline him to assent to the proposition of the hon. baronet; for what prospect of personal advantage could he have in maintaining the opinions which he had hitherto maintained? whereas it was quite painful and nauseating to have to tax one’s memory and ingenuity in the devising of novel arguments on a subject which had been already so often discussed and exhausted. Had he, like his noble friend (Lord Elliot) who had spoken that evening, seen reason to retract the vote he had heretofore given on this question, he would not have hesitated to do so; indeed, he respected that noble lord for the candour of his conduct; but as his own opinion still remained unchanged, he would not shrink from his duty, or refrain from expressing his sentiments, whether they met with the concurrence of the House or not. He had hoped to have been relieved from every thing of a personal nature: but he thought it necessary to state that he would not shrink from what he had said when this question was discussed in 1826, and which was as follows—that if he could be satisfied that any of the political privileges which were withheld from the Roman Catholics of Ireland were withheld in violation of the treaty of Limerick, it would very materially influence his judgment in deciding on the present question; but after having examined into this matter with the greatest attention, he felt a more perfect conviction, that that treaty afforded the Catholics no claims for having the disabilities removed. After the pledge he had given, he did not see how he could avoid stating to the House the reasons which induced him to maintain his opinion. There were various articles in the treaty of Limerick. He was ready to admit that the first of these articles related to the Roman Catholics of Ireland; and he was desirous of premising this much in the beginning, lest he should be suspected of a wish to keep it from the view of the House, in calling, as he now did, its attention to the second article of that treaty. This article was as follows:—

“All the inhabitants or residents of Limerick, or any other garrison now in the possession of the Irish, and all officers and soldiers now in arms under any commission of King James, or those authorised by him to grant the same, in the several counties of Limerick, Clare, Kerry, Cork, and Mayo, or any of them; and all the commissioned officers in their majesties’ quarters that belong to the Irish regiments now in being, that are treated with, and who are not prisoners of war, or have taken protection, and who shall return and submit to their majesties’ obedience, and their own and every of their heirs, shall hold, possess, and enjoy all and every of their estates of freehold inheritance; and all the rights, titles, and interests, privileges, and immunities which they and every or any of them hold, enjoy, or were rightfully and lawfully entitled to in the reign of King Charles 2nd, or any time since, by the laws and statutes that were in force in the said reign of King Charles 2nd, and shall be put in possession, by order of the government, of such of them as are in the king’s hands, or the hands of his tenants, without being put to any suit or trouble therein, and all such estates shall be freed and discharged from all arrears of crown-rent, quit-rent, and other public charges incurred and become due since Michaelmas, sixteen hundred and eighty eight, to the day of the date hereof. And all persons comprehended in this article shall have, hold, and enjoy, all their goods and chattels, real and personal, to them or any of them belonging and remaining, either in their own hands, or the hands of any persons whatever, in trust for, or for the use of them, or any of them. And all and every the said persons, of what profession, trade,

or calling soever they be, shall and may use, exercise, and practise their several and respective profession, trade, or callings as freely as they did use, exercise, and enjoy the same in the reign of King Charles the 2nd; provided that nothing in this article contained be construed to extend to or restore any forfeited person now out of the kingdom, except what are hereafter comprised.—Provided also, that no person whatsoever shall have or enjoy the benefit of this article that shall neglect or refuse to take the oaths of allegiance, made by act of parliament in England, in the first year of the reign of their present majesties, when thereunto required."

Now, what he contended for was this, that throughout the treaty political privileges were never in the contemplation of either party; that it was intended that the Catholics should enjoy the exercise of their religion "free from disturbance," and that that "freedom from disturbance" by no means imported such disturbance or detriment as might follow from exclusion from parliament and from offices of power and trust. The treaty solely guaranteed the free exercise of their religion to Catholics, such as they enjoyed it in the time of Charles 2nd. Now, let the House advert to the construction of the terms of the treaty. What did the words "freedom from disturbance in the exercise of their religion" by the Roman Catholics mean? The House would find those terms constantly employed by contemporary writers—by Clarendon, and even by the Catholics themselves—as amounting to nothing more than a toleration of their religion, and a security in the free exercise of it. Let him take, first of all, the interpretation of King William himself. In the letter of his majesty respecting his Irish subjects, he said, that he merely granted them the undisturbed exercise of their religion, but no political privileges. More than this ought not, he said, to be asked by the Catholics, since they would be free from all disturbance. He said that he would not admit them to parliament or to office: all that he would do would be to preserve to them the exercise of their religion. "With this," his majesty continued, "the Catholics ought to be satisfied; they ought not to ask more, and he never," he said, "could comprehend how it was that men calling themselves Christians could think of disturbing the quiet of the state." Such was the language employed by King William—a language, at least, that afforded a clue to what the understanding of one party was with respect to the meaning of the treaty. "You shall have," said King William, "the exercise of your religion without disturbance." This was the amount of the article in favour of the Catholics. The interpretation of it depended on the way in which it was understood and received at the time it was promulgated. Let the House recollect that the treaty was signed on the 3rd of October, 1691. The parliament of England sat on the 22nd of the same month; and then it was contended, that Catholics had the right of being admitted to political privileges. But what did the parliament do? They passed an act applying the oath of supremacy to all those who should sit in the Irish parliament. He knew it had been a question raised, in after times, that England had no right to make an act binding Ireland. But, however that might be, the fact of the oath having been appointed by act of parliament, fully proved that such an act was not inconsistent with what was generally understood to be the true intent of the treaty of Limerick. The act having passed, was received in Ireland, and acted upon there for one hundred years afterwards. He would now take the liberty of defending the Whigs of 1691. Sir John Somers was, he believed, the solicitor-general, Treby the attorney-general, and Lord Godolphin the lord high treasurer. Was it credible that King William, after he had given his general in Ireland permission to stipulate with the Catholics for political privileges, that Lord Godolphin and Sir John Somers would have ventured to propose or sanction a measure which was in direct violation of the terms of a solemn treaty? Was it to be believed that an act so gross could have been perpetrated by such men? The House would recollect that King William did not ratify the treaty of Limerick until the year following, 1692. The ratification bore date the 24th of February of that year—one month after the passing of the act requiring the oath of supremacy to be taken by every member of parliament. Now, if the act of parliament and the treaty were inconsistent with each other, was it possible that King William, after sanctioning the one, could have had the baseness, in the face of the country, to sanction the other? The notion was incredible. So much then for Whig authority. But what did the Whig historian say relative to this treaty? What was Bishop Burnet's testimony as to the meaning of the articles? That historian

was acquainted with the circumstances of Ireland—with the capitulation and the treaty of Limerick. His statement was to this effect. "And thus ended the war of Ireland; and with that our civil war came to a final end. The articles of capitulation were punctually executed, and some doubts that arose out of some ambiguous words were explained in favour of the Irish." Thus, then, he had referred to the explanations of the articles as they were understood by King William himself; as they had been understood next by the legislature; and lastly, as they had been understood by the Whig historian of the time; and he thought he had shown good reason for withholding his assent to the proposition of the hon. baronet, which was founded on the allegation that the Catholics were entitled to political privileges under the meaning of the treaty of Limerick.

He begged pardon of the House for having detained them so long on this part of the subject; but having been in some measure compelled to enter upon it, he was not willing to let it pass without an endeavour to convince the House, that his opinions and inferences, with respect to the meaning of the treaty, were not formed without deliberation. He confessed that the proposition now before the House, and the circumstances under which his assent was required to it, were such as very considerably to increase his indisposition to receive it, and to excite his apprehensions if it should succeed. When he heard the hon. baronet state, that there was little or no difference between placing a man on the fogot and imposing political disabilities on him; and when his right hon. and learned friend, the Attorney-general for Ireland, stated that they durst not subject Englishmen to these disqualifications, for that Englishmen would rise up against the attempt—that they would be justified in doing so—and that they would not be worthy of the name of Englishmen if they did not; and when he heard, moreover, the names of Pitt and Burke invoked to give a stamp to such monstrous, such abominable doctrines, what could he think of the hon. gentleman who said this, when he recollected that Englishmen, who were Catholics, had borne with these disabilities? Had the hon. baronet read the speeches of Mr. Pitt and of Mr. Burke, in the year 1790, upon the proposed repeal of the Test and Corporation Acts? Mr. Burke said, that twice before his assent had been asked to this repeal, and that he grounded his refusal principally upon a reference to the doctrines upheld by Dr Priestley, and others of his persuasion. Mr. Pitt also repudiated their doctrines in still stronger terms, and opposed the bill by all the means in his power. When, at a later period, Mr. Pitt had supported the Catholic claims, he supported them on very different grounds to those now stated by the hon. baronet and the right hon. the Attorney-general for Ireland. What was the language used by Mr. Pitt in 1805?—After he had come to that conclusion in favour of the Roman Catholics, on which so much stress was now laid—a conclusion, he must think, come to unfortunately, but founded on very different grounds from those on which it was now proposed to admit the Catholics to political power. In 1805 Mr. Pitt, after declaring "That he would not, under any circumstances, or under any possible situation of affairs, consent that it should be discussed or entertained as a question of right," went on to say, "I, Sir, have never been one of those who have ever held that the term Emancipation is in the smallest degree applicable to the repeal of the few remaining penal statutes to which the Catholics are liable." So that he not only took a very different view of the grounds on which he would proceed, but he disclaimed the very name adopted by those who now quoted him as an authority. "With regard," Mr. Pitt added, "to the admission of the Catholics to the elective franchise, or to any of those posts and offices which have been alluded to, I view all those points as distinctions to be given, not for the sake of the person and the individual who is to possess them, but for the sake of the public, for whose benefit they were created, and for whose advantage they are to be exercised. We are bound to consider not merely what is desired by a part, but what is advantageous for the whole. Nor can I shut my eyes to the fact, that the Catholic must feel anxious to advance his religion: it was natural that he should do so." These were Mr. Pitt's principles; and it was on these grounds that he (Mr. Peel) had always opposed what was termed Catholic Emancipation. He did not do this out of any hostile feeling towards the Catholics: he wished from his heart that he could conscientiously vote for the removal of the disabilities, and come to the same conclusion to which that most honoured and respected man had come; but, for the reasons which had been stated by that great man,

he could not do so, and he was compelled to say, that he preferred a system of exclusion to one of security.—He would now state the grounds on which he did *not* resist this resolution. His right hon. friend had done him no more than justice in representing that he had never resisted it on account of any clamour that might be raised against it out of doors. If he thought that clamour unfounded, he would be the last man to pay the least attention to it. He had no notion of the prejudices of the people overruling the deliberations of the legislature. The parliament was better able to form a just opinion upon questions of this nature than the uninformed; and, whatever might be the opposition which parliament might experience, it was still bound to set an example of justice and wisdom; and that being done, he was sure the people would soon coincide in their decision. He could safely say, that he had never, directly or indirectly, encouraged the presentation of a single petition connected with this subject. He approached the discussion of this question without reference to petitions on either side; for he thought it the duty of parliament to look at it as one of general policy, to be determined on its proper grounds, without reference to feelings or opinions. His right hon. friend, the Master of the Rolls, had, he thought, not been fairly dealt with by the Attorney-general for Ireland. His right hon. friend, as he understood him, had referred to past history for this purpose alone—that as the Protestants had been charged with bigotry in enacting the measures of safety against the Catholics, it became necessary to refer to history, in order to show under what circumstances those measures were taken—what were the justifications—and how far they were, in effect, measures of retaliation on the Catholics. He would own, fairly and candidly, that he entertained a distrust of the Roman Catholic religion. He objected not to the faith of the Catholics; he had the highest respect for them: in private life he had never made any distinction between persons on account of their religion: it was a matter of utter indifference to him whether or not a party professed the doctrine of transubstantiation; but if there were superadded to that doctrine a scheme of worldly policy of a marked character, he had a right to enquire into its nature, and observe its effects on mankind. Could any man acquainted with the state of the world, doubt for a moment that there was engrafted on the Catholic religion something more than a scheme for promoting mere religion? that there was in view the furtherance of a means by which man could acquire authority over man? Could he know what the doctrine of absolution, of confession, of indulgences was, without a suspicion that those doctrines were maintained for the purpose of establishing the power of man over the minds and hearts of men? What was it to him what the source of the power was called, if practically it operated as such? And, as to religion being a matter that ought to be exalted above human confidence, he could only say, that the very circumstance of its authority being so high, was a reason why we should dread its application, or rather abuse, to purposes that should be unconnected with it. When he looked to the Bull which he held in his hand, of Pope Pius the Seventh—(Here the right hon. gentleman observed some hon. member laugh.) The hon. gentleman might laugh, but he miscalculated very much if he supposed that a document like this would have no effect on three or four millions of superstitious people. Yes! it would influence them; and he had a lurking suspicion in his mind, that the document was intended to uphold the authority of the Church. He found that in 1807, this—he would not call it a Bull, lest he should offend the hon. gentleman, but a proclamation—this proclamation then, which he held in his hand, addressed by Pope Pius 7th in 1807 to the Catholics of Ireland, granted an indulgence of three hundred days from the pains of purgatory, to those who should devoutly recite, at stated times, three short ejaculations, of which the following is the first:—“Jesus, Maria, Joseph, I offer to you my ardent soul.” The other two ejaculations began with the same sort of invocation. When he saw such a mockery of all religion as this was, resorted to in order to prop up the authority of man over man—when he saw such absurdity as this addressed to rational Catholics, and received by rational Catholics, and published amongst an illiterate and superstitious populace—it was in vain to tell him that such things could be ineffective. His right hon. friend, the Attorney-general for Ireland, might, if he pleased, decry the reformation now going on in Ireland, and turn into ridicule those who encouraged it. But, whilst the privilege of free discussion was allowed by the law, nothing, he might depend upon it—no ridicule, would prevent really pious persons from doing all in their power to coun-



teract and undermine such influence as was attempted to be exercised over the minds of the multitude by the means to which he had alluded. He was not one of those who would defend any attempt to overthrow, or even to turn into ridicule, those persons who were appointed pastors of the people, let them be Roman Catholics or of any other persuasion. He would disdain any participation in acts of that kind; but to a fair and honest endeavour to bring others to embrace what was conceived to be a purer system of faith, he thought no reasonable objection could be entertained. His right hon. friend had affected to treat lightly the indications of reformation in Cavan; but, in the words of Lord Bacon, "a straw thrown up sufficeth to show which way the wind blows." A spirit of enquiry had gone forth on the subject of the Catholic religion. His right hon. friend might depend upon it, that the political discussions in the Catholic Association had re-acted on the population of Ireland. A system of fair and temperate discussion on religious matters had arisen, and was producing a beneficial effect; and he much doubted whether Dr. Doyle would carry into execution the threat which he had held out, of entering into polemical discussion with the Protestants. As he had before said, he disdained all connexion with persons who would attempt to bring into discredit individuals in the exercise of spiritual functions. He wished to give offence to no man; and would, in order to avoid augmenting the irritation which already existed, purposely avoid any particular allusion to the speeches or proceedings of the Catholic Association. He had no objection to the individuals professing the Catholic religion as individuals. He quarrelled not with their religious tenets as a system of faith; but he was jealous of the political system which was ingrafted on those tenets; and he thought he had a perfect right, on the present occasion, to consider what had been the influence of that political system in different countries. He did not desire to consider this point as he found it illustrated in ancient councils, or in times when bigotry and superstition were prevalent throughout the world; but he would view the effect of the Catholic religion as it existed in the present day in various countries;—in some, where it luxuriated in undisputed growth; in some, where it was only struggling for supremacy; and in others, where it was subordinate to another and a purer system. Under these different aspects he had contemplated the Catholic religion, and the result of his observation and investigation was, that it was expedient to maintain in this kingdom the mild, mitigated, and temperate predominance of the Protestant church. He recollected that, some years ago, it was usual to talk of the influence of the Catholic religion on the political condition of mankind as a thing impossible to take place in the present day. The intolerant spirit of that religion was described as a volcano which had burnt out, and the ravages of which were to be looked for in past ages. He well remembered a speech of the late Mr. Whitbread, in which that gentleman ridiculed the apprehensions which were entertained of religious feelings influencing political measures. To illustrate his position Mr. Whitbread took the case of France. "Look," said he, "at Buonaparte: do you think that he is inclined to promote religion?—do you fear the Pope whilst he is under his influence?—are you afraid of the establishment of the Jesuits in France? You have more occasion to feel alarm at the spread of atheism and infidelity in that country." If any body had told Mr. Whitbread, that fifteen years from the time at which he uttered those words, religion would exercise an important influence on the political affairs of France, he would have treated the assertion as a wild chimera—a rhapsody even more absurd than the much-ridiculed reformation in Cavanishire. He contended, then, that in the discussion of this question, the consideration of the influence which the Catholic religion exercised on political affairs ought not to be lost sight of. It was the natural desire of every man to promote the religious faith to which he was sincerely attached. If Roman Catholics were admitted to parliament, what could be more natural or just on their parts, than to attempt—and who could restrain them?—to improve the condition of their religious system—to extend its influence in this country—and to bring it into closer connexion with the government?

When his right hon. friend spoke of the removal of the present disabilities as being the consummation of the hopes and wishes of the Catholics, he thought he was saying more than he could answer for. In his opinion, the consequence of the admission of Catholics to parliament would be, to bring the Catholic and Protestant religions into collision, in such a way as might lead to the destruction of the latter;

and he confessed that he considered the disorders and confusion which must prevail for ages during the conflict, before that event could take place, as a greater evil than even that event itself. His right hon. friend had stated, that the Roman Catholics were perfectly satisfied with the measure which he had proposed in a former year. Now, he had read a declaration, published since that measure was discussed, from several of the most esteemed and respected members of the Catholic body, and in that document he could not find the evidence of that entire satisfaction which his right hon. friend had spoken of. The declaration to which he alluded was published in 1826, and was an address from the British Roman Catholics to their Protestant fellow-subjects. The address was drawn up in a very temperate and proper manner, and calculated in every respect to conciliate; but, at the same time, it excited an apprehension in his mind, that the removal of the disabilities now complained of was not the final consummation—the end—of the wishes of the Catholics. The address contained the following passage:—"We entreat you to endeavour to divest your minds of preconceived impressions to our disadvantage, and calmly to examine the situation in which we stand. In a country boasting of peculiar liberality, we suffer severe privations because we differ from you in religious belief. The remaining penalties—neither few nor trivial—of a penal code of unparalleled severity, still press upon us: a Catholic Peer cannot sit and vote in the House of Peers, and is thus deprived of his most valuable birthright; a Catholic Commoner cannot sit and vote in the House of Commons; a Catholic Freeholder may be prevented from voting at elections for members; a Catholic cannot sit in the Privy Council, or be a Minister of the Crown; he cannot be a judge, or hold any Crown office in any of the spiritual, equity, or common law courts; he may practise at the bar, but he cannot become a King's counsel; he cannot hold any office in any of the corporations; he cannot graduate at either of the two universities, much less enjoy any of the numerous beneficial offices connected with them, although both of those seats of learning were founded by Catholics; he cannot marry either a Protestant or a Catholic, unless the ceremony be performed by a Protestant clergyman; he cannot settle real or personal property for the use of his church, or of Catholic schools, or for any other purposes of the Catholic religion; he cannot vote at vestries, or present to a living in the church, though both of those rights seem to appertain to the enjoyment of property, and may be actually exercised by infidels."

Now, many of the disabilities here complained of were proposed to be continued by the bill which his right hon. friend said the Catholics were perfectly satisfied with. He recollected that, in that measure, a special exception was made with regard to the right of holding the offices alluded to in the extract which he had read, and that of presentation to livings. Those were just objects of reasonable ambition to Catholics; and if Catholics had seats in parliament, there could be no doubt that they would confederate to attain them. He had no doubt that Roman Catholics would occasionally be found voting with opposition or with government alternately; but when any question occurred which related to their church, he had also no doubt that they would be found united together, as the East Indians and West Indians did on any discussion on the subject of the removal or imposition of a tax on sugar, and would by nice balancing between parties, be able to exercise considerable power, although their numbers as compared with Protestant members should be exceedingly limited. He firmly believed that it was intended to guard against any such influence at the period of the Revolution. He firmly believed that King William, and the great men who advised him, had it in view to prevent the exercise of the Catholic religion in the way to which he had just adverted. It was not for their attachment to the House of Stuart that disabilities were imposed on the Catholics. The grounds of that proceeding were clearly stated in King William's letter, to which he had previously directed the attention of the House, where that monarch said, that he was willing to afford the Catholics every advantage for the free exercise of their religion, but he could not consent to admit them into parliament, or into the offices which constituted the executive government; because he believed that they would exercise an influence to promote their own purposes. It was then determined that the Crown should be Protestant; but that object was not deemed completely secured until the great offices of state were also rendered Protestant. It was on that side that danger was apprehended. It was thought that

the Protestant ascendancy might be endangered by the influence of personal character in the case of an adviser of the Crown. That influence which assumed the garb of conscience was of all others the most dangerous. Prevailed upon by his ministers, the monarch might say that "he was convinced by the arguments which he had heard on the subject, that there was no longer any reason for maintaining a distinction between the Protestant and the Catholic church."

He now approached the most important and the most painful part of the subject : he meant its bearing on the state of Ireland. Believing, as he did, that the admission of Catholics to parliament and to offices of state, would endanger the constitution, yet he did not hesitate to say, that if he were satisfied that such a measure would have the effect which was anticipated from it by some persons—that it would restore peace and tranquillity to Ireland—he would sacrifice his apprehensions of the ultimate result to the attainment of the immense present benefit. If he could be convinced that that one thing would, as an hon. member had said, conduct Ireland to the Elysian fields, or that it was, according to another hon. member, the only road to salvation for that country, he would not scruple, if he could not subdue his apprehensions, at least to make them subordinate to so happy a result. He could not, however, make up his mind to believe that the removal of the disabilities which pressed upon the Catholics of Ireland would produce any such consummation. The hon. member for Armagh, speaking on this subject, had said, that "we were now on the ridge of a hill," and asked "whether we should not ascend to the top?" For his part, if he were sure that what the hon. member pointed out as the top was really the top, and that when they had attained that point they would not behold another horizon, he would accompany him in his ascent. The example of other countries, and of Scotland among the rest, had been referred to, and it was said, that the same effects which had taken place in Scotland would result in Ireland, if the same measures were adopted. His answer to that was, that the advocates of the Catholics did not intend to pursue the same measures. Scotland was not a case in point. If the friends of the Catholics should propose to make the religion of the great majority the religion of the state, to transfer the emoluments of the Protestant church to the Catholics, and to open to them all the great offices of the state, he could understand that; but if they proposed to maintain the Protestant church establishment as the religion of the state, then he would say, that there would still exist a barrier between the Roman Catholic and the attainment of his wishes, and that he would not have arrived at the top of the hill, [hear, hear!] Did the advocates of the Catholics, when they had succeeded in placing the Catholics and Protestants on an equality in point of law, intend to admit them to an equality of power; and if they did, could they imagine that Catholics would be found as efficient servants to administer the affairs of a Protestant state as Protestants were? If it were intended merely to remove from the Catholic the exclusion by law, and to give him a nominal eligibility to enjoy political privileges which in practice he would be debarred from, the exclusion would then be the more galling, inasmuch as it would seem to be the result of personal considerations, and not of legal disqualification; and under such a state of things he was convinced, that the agitation which would prevail in Ireland on the occasion of elections and other opportunities for the display of public feeling, would be quite as great as that which was at present experienced. How many were the objects which would still remain to be attained by the Catholics! How would it be possible hereafter to deny the propriety of Catholic priests exercising their spiritual authority for temporal purposes? His right hon. friend had vindicated the Catholic priests for exciting what he called the patriotism of the Irish freeholders. Would not the priests hereafter be the judges of what constituted patriotism? Might not the priests, after the proposed measure of relief was granted, claim to be the best judges of what was patriotic, and for the best interests of their church? If the exercise of their spiritual authority in political matters were vindicated now, how could it be denied in future? Could any comparison be drawn between the exercise of spiritual power by the Catholic priests in Ireland during the late elections, and that by Protestant clergymen? Instances might be found, he did not mean to vindicate them, of Protestant clergymen busying themselves too much in election affairs. He would never, directly or indirectly, encourage such proceedings. But he would ask, if any Protestant clergyman had been found in any county of England,

for any object which he might deem of importance, to attempt to dissolve the bond which subsisted between landlord and tenant—a bond, he maintained, not of subserfdom, but of generous attachment for kind offices—by saying, “You must fly in the face of your landlord, and vote as we direct you, for the sake of the Protestant establishment in church and state”—when would there have been an end of the just indignation which would be excited in that House at such indecent conduct? He knew not precisely the extent to which the interference of the Catholic priests had been carried during the late elections in Ireland; but he believed that it had prevailed to a degree which was utterly unjustifiable, and which it would be dangerous to vindicate; because that vindication could not at present be advanced on any ground which would not apply to the future.

Having touched upon this point, he would now proceed to examine whether the Catholic prelates merited all the eulogiums which had been bestowed on them by his right hon. friend, the Attorney-general for Ireland. He entertained great respect for the office of those reverend persons; and he could assure the House that he had no wish to enquire minutely into their conduct; but when his right hon. friend had, on a former night, thought proper to have their petition read at length, to pass the highest encomiums upon them, and to require the House to place implicit confidence in their declarations, he might be excused for enquiring whether their acts were consistent with their professions. His right hon. friend not only said that the Roman Catholic prelates had exerted themselves for the maintenance of the public peace, but he positively declared that the public tranquillity of Ireland at that moment depended on them. Now, before he could join in giving those persons such extravagant praise, or concur in attributing to them such extraordinary results, he would ask his right hon. friend one question. His right hon. friend had denounced in the severest terms the conduct of certain agitators and demagogues. He did not, he said, know exactly what the object of those persons was: he doubted whether they intended to drive the people into actual rebellion, but he was certain that at least they intended to infuriate and exasperate them, in order to intimidate this country into a concession. If that were the case—if such were the conduct of those demagogues—he would ask his right hon. friend whether the Roman Catholic prelates, to whom the tranquillity of Ireland was said to be owing, had published any declaration against them? Had the Catholic prelates, when they found that the Association was continued, contrary to the predictions of the advocates of the Catholics, who said there would be nothing but submission to the laws—had they, he asked, discouraged the proceedings of that body? He took the character of the Catholic Association from his right hon. friend, and from other Irish members; and if that character were correct, he could not join in the praises which were lavished upon the Catholic prelates. Were any of the prelates who subscribed to the petition members of the Association? He was forced to enter upon this examination, because his right hon. friend required him to place confidence in the declarations of the prelates, and besides attributed to them the tranquillity of Ireland. It was not to be endured that an appeal should at once be made to the generosity and to the fears of the English people. On the one hand, they were told that the Catholic prelates had done every thing in their power to promote peace in Ireland—and of course discouraged the Association, which had flown in the face of parliament—and on the other, that the whole Irish nation, from the peer and the priest to the lowest peasant, were banded together and determined to obtain emancipation. Now he found that, out of the number of prelates who had signed the petition, eleven were at that moment members of the Catholic Association. He would not have mentioned this circumstance, had it not been forced on his attention in the course of his enquiries into the justice of the exclusive pretensions put forward in behalf of the Catholic prelates. It would, in future, be as well that those eminent persons should, whilst they were signing petitions which expressed their entire respect for the legislature, and above all for the church establishment, abstain from making themselves parties at the same time to declarations which were utterly inconsistent with those professions. Some papers couched in terms of extraordinary asperity had been put forth by Dr. Doyle. It was said, in excuse for him, that those papers were controversial. It mattered not. If he did not avow the statements contained in his letters, it was unworthy of a bishop to utter them; and if he did avow them, then they were utterly inconsistent

with the declarations of the petition. On this point he was perfectly satisfied that nothing would have such an effect on the people of England as fair dealing on the part of the Catholics. They expected from them an open declaration of what their sentiments were, either on political matters or on religion. He was at a loss to know what to say with respect to the opposite declarations of the Roman Catholic prelates; but there was something in them extremely painful to his feelings.

His right hon. friend had blamed the hon. member for Derry for not taking the declaration of the Roman Catholics themselves as to what their tenets were; and had told him that he had no right to ransack the history of past ages to discover them. But when the Catholics were so inconsistent in their declarations, was it surprising that some distrust should be entertained on the subject? He admitted that the acts and declarations of individuals were not to be charged or visited upon a whole body like that of the Catholics; but there were circumstances under which the acts of individuals could not be passed over. It was in vain to say that gentlemen need not refer to the conduct of Dr. Doyle, or Dr. Curtis, or to that of any other person, standing in the position in which these parties stood with respect to the Catholics of Ireland: their declarations were not only fit matter to be referred to, but became of some importance. The hon. member for Drogheda (Mr. Van Homrigh) had borne testimony to the general character of Dr. Curtis, and to the severity with which that gentleman had expressed himself against the proceedings and temper of the Catholic Association. The reverend gentleman had declared that he disapproved of the Catholic Association; that he entertained the highest respect for his late Royal Highness the Duke of York, with other assurances to a similar effect; and thereupon he had proceeded to utter to the hon. member for Drogheda two long Latin quotations. These profoundly couched speeches were about the length of half a page each; and he would not trouble the House by repeating them: but if Dr. Curtis really intended to vindicate his countrymen from having assented generally, or taken part in the abominable reflections which from one quarter in Ireland had been cast upon that exalted and lamented individual, would it not have been easier, and readier, and more intelligible, if he were sincere in this object, to have declared his meaning plainly and simply in the vulgar tongue, than to have whispered his dissent to the hon. member in the shape of a Latin quotation?

But he could not leave the subject of the acts of individuals here. He did think that their conduct at least went for something in judging of the feelings and dispositions of the persons whom they represented; and he would, therefore, very shortly notice a document upon which great stress had recently been laid. He alluded to the petition which had been presented to the House from the Roman Catholic bishops generally of Ireland. The very first objection which he would always take to the conduct of any individual or any party was, where it evinced any want of manly candour or sincerity. Now, the petition of the Roman Catholic bishops of Ireland referred the House to a document published a few months since by the same body, under the title of "The Declaration of the Catholic Bishops of Ireland," and which they now stated to the House they had framed in the simplicity of their hearts, in order to enlighten the public as to the truth of some of those ordinances of their church which, as they believed, were most generally misunderstood and misconstrued. This Declaration had been published only as lately as in the last year. This was the very paper of all others to which men would be inclined to look for a sound and complete exposition of the doctrines of the Catholic faith. And when he (Mr. Peel) had taken up that Declaration, and found it set out—"That the Catholics, in common with all Christians, received and respected the entire of the Ten Commandments, as they were found in Exodus and Deuteronomy, and that the discordance between the Catholic and Protestant ritual upon this subject arose merely from a different manner of arranging," &c.—when he read this, he had really been of opinion that he had lived in error. He believed, almost of course, that which he saw before him. He had heard, undoubtedly, that the Catholics rejected the second commandment, and excluded it from their catechism; but he could not question that which competent persons now declared in the simplicity of their hearts to be the truth; and for a moment he had believed that the report was an error. Now, how did the thing turn out upon examination? On taking into his hand the catechism of the Catholics—this it was that he did complain

of—it was better for all parties—better for the Catholics themselves—he said this in no hostility to them, and he was sure that it was what the right hon. gentleman near him would say too—it was better that they should come forward fairly and honestly, and state what was the fact, let it be which way it might:—he took up a Catholic catechism; it was a catechism authorized by Dr. Milner, and approved by the four Catholic archbishops of Ireland: it was the twenty-fifth edition, “carefully corrected and published by Mr. R. Coyne,” the publisher of the Maynooth College and of the Catholic Association—so that it was an authority beyond all cavil; and when he turned to the page that contained the commandments in this catechism—merely to be convinced of the error under which he had laboured so long—he found the first commandment given—“I am the Lord thy God,”—and the second commandment was—“Thou shalt not take the name of the Lord thy God in vain,” [hear, hear.] It was true, however, that there were ten commandments in all; for one was divided into two, to make up for the second, which was omitted: the ninth was—“Thou shalt not covet thy neighbour’s wife;” and the tenth was—“Thou shalt not covet thy neighbour’s goods, &c., nor any thing that is his.” Now, it was better to say nothing at all than to say this. He made it no matter of accusation against the Roman Catholic clergy, that they chose to exclude any part of the catechism from their ritual. He said nothing at all about their belief or disbelief of the second commandment: let them reject it if they would; but do not let them come down and state in the “simplicity of their hearts,” that to the House and to the public of England which it was difficult not to perceive was not borne out by fact.

He could not bind himself to take the question of emancipation as it was attempted to be put by some of the leaders of the Catholic party in Ireland. “This is our remedy to put an end to discord and dissension; if you will not accept it, tell us what else we shall do?” He did not feel himself called upon to take that demand in the way in which it was offered. He would do every thing that lay in his power—attempt every course that promised any thing like success—to put a stop to the dissensions which distracted Ireland; but in his conscience he believed, that the course which was called Emancipation would be attended by the very contrary of any such result. He believed that if the House of Commons once consented to admit Catholics within its walls, the only effect would be that of increased discord and dissension; it would lead to fresh interference in every case of election between the Protestant landlord and his Catholic tenant; and to an invariable struggle, upon such occasions, in every county of Ireland in which a contest could be raised. The system upon which he had been contented to act, and on which he was still content to act, with reference to Ireland, was this—he had been ready—desirous—he did not say too much if he said anxious—to enter, at all times, into any alleged abuse; and to be satisfied that amongst the Irish laity, without respect to creed or condition, justice and law were impartially administered. Whatever might be his zeal, or imputed zeal, for the Established Church, that feeling, he trusted, had never biased him when the interests of Ireland were at stake. His reverence for the Established Church in Ireland, and its institutions, had not prevented him from devoting night after night to give effect to the late bill for the regulation of Irish tithes, when he thought that measure really calculated to benefit the people. Whenever an actual wrong or evil existed, no man could agree more readily than he did that it ought at once to be removed. If it could be shown even, that by any one of the existing disabilities, real injustice or injury were inflicted upon the Catholics, he should be inclined to look at the removal of that disability with a very different eye from that with which he now contemplated the removal of the whole. Of this he was at least sensible—that, whatever his measures had been with reference to Ireland and Irish interests, they had been conceived in the desire, and executed with the intention, of fairness. He knew that there were persons who denied him even this meed of justice. It was part of his painful duty to read the discussions sometimes of that body which called itself the Catholic Association; and he there saw himself attacked with bitter and personal abuse; perhaps occasionally by some individuals from whom he might have looked for a different treatment. He made no complaint of these attacks—he begged not to be suspected of making any complaint; and he only referred to them for the purpose of contradicting those assertions in which he was accused of having adopted a conduct towards

Ireland calculated to trouble and to inflame. These charges he denied, let them emanate from whence they would. Whenever petitions had been presented from the country against the Catholic claims, he had opposed those claims, and would oppose them; but he had confined his opposition to the walls of the House of Commons. In the course which he had pursued, his determination was taken to persevere; but he appealed to his right hon. and learned friend, the Attorney-general for Ireland, whether, so far from endeavouring to excite animosity, or raise up opposition to the Roman Catholics—whether he had not concurred with his right hon. friend in every course, in every measure, the object of which was to produce good understanding and pacification. He said to the Protestants of Ireland, “You are the favoured body; and it behoves you, therefore, to be the most cautious, and the most forbearing.” He had called upon them to lay aside their ancient feuds and prejudices, to omit their celebrations of those triumphs which, however justifiable in feeling, could not fail to be offensive and painful to those who were their fellow subjects, and with whom it was their duty to live in amity; and he had exhorted them not to be deterred from doing this even by that cause which was the most likely to deter them from it—by the taunts and insults of those who mis-advised and mis-directed their antagonists. Whatever opposition he might have given to the Catholics of Ireland, he repeated, that he had never offered any but that which he had given from his place in that House. As far as he knew himself he might say, that he had never ceased to labour in the cause of Ireland, as a country generally. By his correspondence with the noble individual who presided over the government of that country, and to whose conduct in the performance of his high duties it was impossible for him to bear too honourable a testimony—by his correspondence with that noble lord, he believed it would be shown that he had concurred with him in securing to the Catholics every privilege and every indulgence to which by law they were entitled. That was the system upon which he had at least attempted, and on which he was still disposed, to act towards Ireland; but further than that, he must frankly avow, consistently with his conscience, and with a conviction formed upon long and careful deliberation, he was not prepared to go. This might not be—would not be—the length to which some desired that England should proceed; but still he had hoped for a more fair and candid construction than England had received: he had hoped that to the decision of this country obedience, if not assent, would have been given by the people of Ireland. This had not been the case. It was the more to be deplored, because, deceived indeed were those persons who supposed that, by violence and menaces, any change could be produced in the sentiments and feelings of the people of this country. Those who entertained any such delusion, would find themselves miserably deceived. They should find, as far as regarded himself, that their arguments failed of the very first effect which might, perhaps, be expected from them—that his indignation at their conduct should not prevent him from giving to the Catholics in general every iota of advantage and immunity which he believed he ought to give them. The Roman Catholics were wrong—they would find that they had been wrong—that they were misguided in supposing that they could intimidate the British House of Commons; but still the conduct of a few designing individuals should not urge him into denying them a single point of that which he could safely give them, or to which already they were entitled.

He might be told that what he looked for was impossible—that the deference which he expected to the decision of the legislature, the people of Ireland would not and could not pay. He might be told—he had been told—that he was wrong; that his system was a system of error; and that, such was the prevalence of better and newer opinions, even in the House of Commons, that it could not be sanctioned any longer. He did not believe that this was the fact; but, if it turned out to be so, all he could do was to regret it. If the House and the country were against him, he had no answer to such an argument. He should bow with reverence to the opinion of a majority of the assembly which he saw before him; he should pray with all his heart that they might be in the right, and that he might be wrong; but he should remain unconvinced. He should still retain his opinions as to what was the system which the country and the legislature ought—he did not mean to speak harshly if he used a decided term—to enforce. He thought it right to retain all the existing disabilities, as far as related to admitting Catholics to the legislature, and to offices of state. He

thought it right to do this, in the first place, with reference to the plan arranged for the succession to the Crown at the time of the Revolution; and though he might, perhaps, be induced to overlook that consideration, if he could believe that any efforts like those anticipated by some gentlemen would arise from the remission of the disabilities, he did not think that in reality any such advantages—or any advantages whatever—were likely to accrue from that course. In this belief, however painful it was to him to differ from those for whom he personally entertained the most cordial respect, and with whom he believed upon almost all other subjects he was agreed, he had now discharged that which to him was a most painful duty—the opposing the resolution before the House. He had felt that he had no choice but to state with firmness, but, he trusted, without asperity, the principles which his reason dictated, and which his honour and conscience compelled him to maintain. The influence of some great names had lately been lost to the cause which he supported; but he had never adopted his opinions upon it, either from deference to high station, or that which might more fairly be expected to impress him—high ability. Keen as the feelings of regret must be, with which the loss of those associates in feeling was recollected, it was still a matter of consolation to him, that he had now an opportunity of showing his adherence to those tenets which he had formerly espoused,—of showing that, if his opinions were unpopular, he stood by them still, when the influence and authority that might have given them currency was gone; and when it was impossible, he believed, that in the mind of any human being, he could stand suspected of pursuing his principles with any view to favour or personal aggrandizement [cheers].

At the close of the debate, protracted till five o'clock on the following morning, the House divided: Ayes, 272; noes, 276; majority against the motion, 4.

## THE CORN LAWS.

MARCH 8, 1827.

On the motion by the Chancellor of the Exchequer, for the House to resolve itself into a Committee on the Corn Trade Acts, Lord Clive moved, by way of Amendment, the following resolution:—"That it is necessary to give protection to the growers of British corn against the importation of corn the produce of countries not cultivated by British subjects, nor liable to the payment of the same taxes, on a principle similar to that established by the law of 1822, until grain shall have reached, in this country, the price of—(a price hereafter to be determined), in order to enable the British agriculturist to make his accustomed payments, and discharge his government and local taxes; to give to the consumer the prospect of a moderate price of grain during a number of years; and to Ireland and the Canadas a preference in respect of importation."

In the debate which followed,—

MR. SECRETARY PEEL said, he should not have addressed the House upon the present occasion had it not been for the personal observations which had been made with regard to himself by his hon. friend, the member for Kent (Sir Edward Knatchbull). His hon. friend had paid him a compliment which he valued as he ought; but he was afraid that he could not accept it upon the terms on which his hon. friend had offered it. His hon. friend had expressed a wish that the same caution which he (Mr Peel) had displayed in the alterations which he had introduced into the criminal jurisprudence of the country, had been displayed in the alterations which had been introduced into our commercial policy, and last of all into the Corn-laws. But he would remind his hon. friend, that there was a very wide difference in the principles upon which alterations in jurisprudence, and alterations in commercial policy, were made. Our criminal jurisprudence, for instance, was not affected by external circumstances, and alterations in it could therefore be made as well in one year as in another. It was not so with regard to measures affecting commerce and corn; for a transition from war to peace, an apprehension of famine, and various other circumstances which it was easy to imagine, might render it necessary to make very important alterations in our system without any



delay. Be that, however, as it might, he would still say, that if any blame were due to the administration for precipitation in altering the commercial policy and the Corn-laws of the country, he was ready to take his full share of it. The measures to which the hon. member for Kent had adverted, all met with his concurrence; and in case his right hon. friend, the Secretary for Foreign Affairs, had been prevented from attending the House by indisposition, he should not have hesitated to submit to its consideration the present resolutions; not in the mere dry discharge of his official duties, but with the most cordial and zealous desire to support them. He thought it necessary, as he was present during the speech of the hon. member for Kent, to make that avowal explicitly to the House; and as his right hon. friend, the President of the Board of Trade was absent, he felt himself compelled to add, that his right hon. friend had been most hardly dealt with. He rejoiced that his right hon. friend would soon have an opportunity of exposing the misapprehensions to which his system had been exposed; and he had no doubt that when his right hon. friend had exposed them, his hon. friend would applaud his system as warmly as it deserved.—He apprehended that the House was not now discussing the details of the resolutions, but was arguing the general principles on which they rested. Some of the arguments which had been employed against the resolutions, were the very arguments on which he relied for their support. One hon. member had declared, that the state of the currency at the present time induced him to distrust the propriety of the proposed change. Now, the recent alterations in the currency, and the effects they were likely to produce on the old system of our Corn-laws, had induced him to think, that some alterations in that system were absolutely necessary. When that hon. member referred to the law of 1815, and said that he would adhere to the price of 80s. fixed by that law, did he recollect the alteration in the value of money, created by the alteration in the currency which he had introduced? Could that price, he would ask the hon. member, be adhered to now? He thought, that when it was recollected, that corn could not be imported into this country, under the law of 1815, until the price of it was above 80s., no gentleman who called himself a friend to the agricultural interest, would seriously advise a rigid adherence to the law of that date. What, then, was to be done? If the hon. member for Suffolk objected to going into the committee, and the noble lord succeeded in his resolution, he would not have an opportunity of proposing the amendment which he himself thought advisable. He, therefore, trusted that the hon. member would withdraw his opposition, and would allow the Speaker to leave the chair. He wished it to be understood that no man had a more friendly feeling towards the agricultural interest than he had: and he was happy to say that there appeared to be, on the part of the agricultural, a most kindly disposition towards the manufacturing classes. Could there be a stronger proof of that disposition than the fact, that in consequence of the letter addressed by his Majesty to the Archbishops of Canterbury and York, £100,000 had been raised by contribution for the relief of the manufacturers—and that mainly in the agricultural districts?—He could not sit down without saying a word or two more upon the currency. One of his reasons for wishing to see an alteration in the present system of our Corn-laws was, that the continuance of it would endanger the currency. There had been such an alteration in the currency since the Corn-laws were first introduced, that it was quite impossible to impute inconsistency to any man who, in 1827, condemned the continuance of the measure which he had supported in 1815. The Bank of England having returned to cash payments, and being obliged to pay in gold, nothing would be more likely to injure that measure, to cause a run upon the Bank, and to send gold out of the country, than the system proposed by the hon. gentlemen who differed from him and his colleagues upon this question. One hon. friend of his had mentioned the fact, that he had seen foreign ships receive gold for their corn, and then leave this country in ballast; and this, too, at a period when the importation of corn was limited. But if this took place under a limited importation, let hon. members consider how much more extensive it would be if, under the present system, corn rose to eighty shillings, and the ports, of necessity, were kept open for three months? In the case of such a scarcity as opened the ports in this way, speculations would be indulged in to the greatest extent, and must be paid in gold, so that such a run would be caused upon the Bank as must disturb the present currency of the country. An hon. gentleman

had complimented him upon having introduced the measure which established that currency: but let them not now adopt a measure, which would bring back upon the country a return of those evils which a different system had brought upon them, and which he now hoped and trusted were nearly overcome. He was sure the House would join with him in opposing any measure calculated to produce a recurrence of those evils, and therefore he relied upon their rejection of the plans recommended to them from other quarters. After stating it to be his opinion, that the mischiefs likely to arise to the agriculturists from the proposed alterations were enormously over-rated, the right hon. gentleman proceeded to contend, that the hon. member for Essex was mistaken in stating that the measure then before the House was an experiment in legislation hitherto unheard of. It was no such thing: as he would show by a short historic reference. From the Revolution to the year 1774, there had been an absolute prohibition of foreign corn; whilst from 1774 to 1815, there had been leave to import it, on the payment of certain protecting duties. Now he would show, from what had occurred within those two periods, that there was no greater fallacy than to suppose that the importation of corn was fatal to agriculture. If any injury were inflicted upon agriculture, it was most probable that it would show itself in the diminution of enclosure bills. Now, since he had entered the House that afternoon, there had been put into his hands a list of the number of enclosure bills which had been passed within the period during which the prohibitory system was in force, and within the period when importation was allowed on the payment of a moderate duty. From the Revolution to 1770, there had been six hundred and ninety enclosure bills; and from 1771 to 1815, the period when the admission of corn was allowed, there had been two thousand, eight hundred and fifty-two such bills. He thought that this was a sufficient proof that the importation of foreign corn was not injurious to the home grower. His hon. friend had said, that no report had been made of the expenses of raising corn in foreign countries. Certainly no such report had been made, and it appeared to him, that nothing could be more difficult than to make such a report, for the expense of growing corn in those countries must depend upon various circumstances—upon the demand for corn in those countries, and upon the situation of the land; for it was evident, that when the land was situated near a great river, or in any other spot which afforded facilities for carriage, the expense of raising corn upon such land must be less than the expense of raising it upon land not so advantageously situated. The demand for corn must necessarily raise the price; and therefore it was a fallacy to suppose, that because corn was at that moment, or at any other moment, at a certain price in Dantzic, that price would not be raised by the increased demand of this country. Let them look, for instance, at the average price of grain at Dantzic and Mark-lane, for twenty-five years, from 1770 to 1795, and the difference would be found to be about 20s. When, therefore, to the price of the foreign article they added the expense of freight, the profits of the importer, and above all, the duty imposed by these resolutions, he did not think that any man who fully considered the subject, could suppose that the proposition of his right hon. friend was likely to prove detrimental to the British grower. He certainly did not believe that it would; and if he conceived that it was calculated to produce an injurious effect, he would be the last man to support such a change. Again, let gentlemen consider what effect had been produced by the admission of Irish grain into England. Before the year 1807, that article was positively prohibited; but, at that period, the prohibition was annulled. Now, the price of labour was much lower in Ireland than it was here, and the land was much richer. Yet the effect of removing that prohibition had not been injurious to the British grower. What then was there, practically speaking, to lead gentlemen to suppose that the admission of foreign corn, under the regulations laid down in these resolutions, would be attended with a bad effect? He believed the tendency of the measure would be to produce an equality of price, so far as good harvests and bad harvests would allow that equality; and he was quite certain, that if any body would more than another be benefited by level prices, the agricultural interest was that body. In his opinion, a greater boon could not be conferred on them than to keep the price of grain between 55s. and 65s. The country was not now situate as it was some years ago, when the enormous quantity of three million quarters of foreign corn were brought into the market; and if they by this measure could prevent such

large importations, and thus do away with those fluctuations which had been so much complained of, they would be conferring a boon on the agriculturists, which would infinitely outweigh any apparent disadvantage connected with it. Under these circumstances he gave his most cordial assent to the propositions of his right hon. friend. He did hope that his noble friend would not, by persisting in the resolution which he had proposed, prevent many persons from acting with him upon those principles which he approved, and more particularly prevent the hon. member for Suffolk from proposing a protection which he thought better than that proposed by his right hon. friend; namely, a protection of 64*s.* instead of 60*s.* After the numerous applications which had been made to the House, on the part of the manufacturing and commercial interests of the country, he could not see that we had any alternative but to take the present system of the Corn-laws into immediate consideration, and he did hope that his noble friend would withdraw his amendment.

Lord Clive signified his willingness not to press the House to a division.

The House having resolved itself into a Committee, Mr. C. Grant moved the first resolution, as follows: "That it is the opinion of this committee, that any sort of corn, grain, meal, and flour, which may now, by law, be imported into the United Kingdom, should at all times be admissible for home use, upon payment of the duties following, viz.—If imported from any foreign country—

"WHEAT.—Whenever the average price of wheat, made up and published in manner required by law, shall be 60*s.*, and under 61*s.* the quarter, the duty shall be for every quarter £1. And, in respect of every integral shilling by which such price shall be above 60*s.*, such duty shall be decreased by 2*s.*, until such price shall be 70*s.*; whenever such price shall be at or above 70*s.*, the duty shall be for every quarter 1*s.* Whenever such price shall be under 60*s.*, and not under 59*s.*, the duty shall be for every quarter £1, 2*s.* And in respect of each integral shilling, or any part of each integral shilling, by which such price shall be under 59*s.*, such duty shall be increased by 2*s.*"

To this Mr. Bankes moved as an amendment.—"That whenever the average price of wheat, made up and published in manner required by law, shall be 64*s.*, and under 65*s.* the quarter, the duty shall be, for every quarter, 20*s.*"

The committee divided: For the amendment 160; for the original resolution 229; majority 69. The chairman then reported progress, and asked leave to sit again.

MARCH 12, 1827.

The House in Committee on the Corn Laws, on one of the resolutions relating to the importation of barley,—

MR. SECRETARY PEEL rose immediately after Mr. Hobhouse and said, he thought the hon. gentleman had been diverted by his indignation against his Majesty's government from the real question before them; which was, whether the proposed rate at which barley was to be imported, did or did not afford an unreasonable protection to the home-grower of barley? Had he been a stranger entering that House while the hon. gentleman was speaking, he should have imagined that his Majesty's ministers had been guilty of a great dereliction of duty, and had abandoned the principles on which they had professed at starting to be governed; and he should have been much surprised to have been told, that the whole tirade arose from their proposing to grant a little more protection to barley than they had at first intended. Was it to be supposed that the government could not submit a proposition to the House, without depriving themselves of every power to modify that proposition? He should have thought that the avowed principles of the hon. member would have induced him rather to applaud than blame the government. He should have thought that the advocate of free discussion and democratic principles would have admired the readiness with which ministers confessed themselves in the wrong, and the alacrity with which they took what they thought the right path. The hon. gentleman said, that this right path had not been chosen from any attention to the wishes of the people, but from the threats which had been held out by a party in that House, which was above the people. Another hon. member had gone further, and had candidly told them that ministers had been bullied into this change. It would

be sufficient, he thought, to put it to the candour of the House, whether ministers had acted from these motives, or from a conviction, that in framing the original resolutions they had been proceeding upon mistaken views. He should, however, call the recollection of the House to what passed on the night when his right hon. friend submitted to them the principles on which government intended to proceed; which were a free intercourse in grain, subject to controlling duties. On that very night several hon. members having approved of the rate at which wheat was to be taken, gave it as their opinion that barley and oats were not sufficiently protected. The first reply his right hon. friend gave to this was, "This is matter of detail, concede me the principle, and afterwards we will arrange the details." There was therefore no ground for accusing the government of inconsistency. The question was merely—was this or was it not a sufficient protection for the home barley-grower, and was the resolution of the 1st instant right or wrong? The government had thought that barley was not sufficiently protected by that resolution; and it therefore became its imperative duty, even at the expense of confessing itself wrong, to raise the protection on that grain to a due proportion with that on wheat. He should not dwell on the evils to which an undue protection of any particular grain would lead, as every gentleman must be sensible how much such a circumstance would hamper agricultural proceedings. His right hon. friend having learned from members of that House, that barley was not sufficiently protected by his resolutions, took the average of its price, and of that of oats for six years, and found that he had not assumed the due proportions. He then did what every honest man ought to do, confessed himself in error. He had taken the proportions which were thought for forty years past to be the correct ones; and in so taking them, was only to be accused of taking for granted what he ought rather to have enquired into. He found, according to the returns, that wheat was 56s., barley 31s., and oats 20s. 6d. Taking wheat therefore at 60s., no just charge could be brought against the government, if they took barley at the price now proposed. If, indeed, out of deference to a large minority, ministers had been induced to abandon the principle with which they started, and had recurred to prohibitions, they would have justly incurred the charge of inconsistency. But surely for a modification, not of the principle, but of the details, they ought not to be subject to the charge of having been bullied into the change; and he hoped they should still enjoy the esteem of the people, although the hon. gentleman had, in no very elegant terms, pronounced them to be a government not worth twopence.

The Committee divided: for the amendment 215; for the original proposition 38; majority in favour of the amendment 177.

## CONSOLIDATION OF THE CRIMINAL LAW.

MARCH 13, 1827.

MR. SECRETARY PEEL rose, and addressed the House to the following effect:—

I rise, Sir, to introduce certain bills for consolidating and amending the laws in England relative to Larceny and other offences. The bill I have now brought up—one of those bills at least—is for the consolidation of some of the branches of the statute and criminal law concerning theft. Probably the House will allow me to make a few observations at this opportunity, in answer to some questions which were put to me by a noble lord on a former night, on matters connected with these bills; which questions I was not then prepared entirely to answer. I beg to state, therefore, that the bills which I have to bring in this evening, are four in number. First of all, here is a bill consolidating the whole of the statute law of England, relating to the crime of larceny and other offences connected therewith; the second is a bill for the consolidation of all the laws relating to malicious injuries committed on property; the third is a bill relating to the very important question of damages arising from accident, and the cases in which the law will enable parties who sustain such damages, to recover from the hundred; the fourth is a bill, Sir, which I have purposely kept distinct from the other three, and which will recite and repeal all the now existing statutes, that, should these bills pass into a law, will

become unnecessary. The effect of these enactments, supposing they should meet the sanction of the legislature, will be to remove altogether from the statute-book no less than one hundred and thirty statutes. And I have the satisfaction of stating, that, notwithstanding the repeal of so many acts of parliament, now forming part of the criminal law of England, the whole of the statute laws in this consolidated form—those, I mean, respecting the crime of theft—will be comprised within twenty-nine pages [hear]. In effecting this reduction in the bulk and number of the statutes, I have made no rash experiments as to the language of the enactments I propose to substitute in their stead. I have adhered very closely to the phraseology of those acts of parliament; I have retained all those terms and legal designations which are allowed to be of importance; but in rejecting some redundancies and repetitions, I have endeavoured to steer a middle course between the general verbosity of our English statutes, and the extreme brevity of the French criminal code. This House has always shown itself extremely jealous of laws so very summary in their enactments as those of the French code; because they necessarily devolve upon the judge who administers them, a much greater discretionary power than our own system professes to do. In point of fact, Sir, nothing is gained by the adoption of extreme brevity in the framing of acts of parliament. I will venture to say, that the French have experienced this truth, from the extreme brevity of their laws, and the circumstance of their enactments being couched in terms much too summary. The consequence has been, that the gloss or commentary of the learned lawyers of that country, defining the meaning and scope of these summary terms, has already attained an extent, which, in point of verbosity and complexity, bids fair to rival our own statute-book. In the bills I have the honour of submitting to the House, a middle course has been steered between the redundancy of our own legal enactments, and the conciseness of the French code. I do confidently hope, that when, a little further advance has been made in the work of repealing many of our old statutes, which should no longer be retained, and in the substitution of new ones in their place, the House will determine to take into its consideration the general state of the whole statute-book; when, I am convinced, it will find a vast number of old or defective statutes, which it might determine to expunge, while it could retain those only which it may be absolutely necessary to preserve. The effect of such a proceeding would be evinced in many valuable and beneficial results. I think there ought to be a commission to ascertain what statutes at present remain in force, and what from their obsolescence, or the fact of their being no longer applicable to the circumstances of the age, might be entirely dispensed with, or preserved only for the future inspection of the curious. Some statutes, like those of Magna Charta, for example, will always be retained, and treated, of course, with the respect and gratitude that are due to them. But others, though of great antiquity, are of such a character that it would be exceedingly expedient to get rid of them altogether. I am confident, that the fact of my being able to repeal by these bills one hundred and thirty statutes, and to compress all that it is necessary to retain of them, or to substitute for them into twenty-nine pages, will ultimately tend to an immense reduction in the bulk of our statute-book.—I omitted to state, on a former occasion, some alterations, or, if the House will permit me to designate them by such a name, some improvements which I have introduced into one of these bills—that which regards the offence of Larceny. The amendments I propose will have the effect, as the House will see, of reducing the number of capital punishments by law. Under the law of burglary, as it stands at present, if the burglary be committed in any out-house, which forms part of the frontage, that is, part of that which, in law, is entitled an outer-fence, the burglary is a capital offence. If it be committed in the stable or the dairy, or within that which in the old language of the law is called “curtilage,” the burglar is placed in the same situation. I venture to believe, however, that no person who maturely considers this subject would advise that a burglary, consisting of the breaking into a cow-house, or stable, or dairy, should be visited with a severity equal to that which this species of offence, under more aggravated circumstances—as in the case of breaking into a dwelling-house—is subject to. I propose therefore, that burglary, by breaking into a stable, or even into an out-house, shall not be included in the class of burglaries for which capital punishment shall be assigned by the law; unless in cases where there shall be some communication between the

actual dwelling and that part of the premises which shall have been broken into, by a covered passage, or a window common to both of them.—Another important alteration I have suggested, for the purpose of remedying a great defect which exists in the law of England, as it at present stands, in respect to offences against property committed under false pretences. Nothing can be imagined more ineffectual than the law of England at present is, with respect to crimes of this nature; and nothing more hopeless, I may add, than the attempt to obtain a conviction, where property has been so obtained under false pretences, which shall visit the offender with an adequate punishment. For example, you shall charge a person who has procured some valuable goods under false pretences with a misdemeanour; and his defence will immediately be that he has committed a felony: so that he will plead the greater offence, because, in this case the punishment is less, or the conviction more difficult. Such was the state of our statute law at present, that this anomaly absolutely existed in it. If a purchaser, under a false and fraudulent pretence of purchase, get possession of property, he is indicted for a misdemeanour; if he be indicted for getting possession of such property, under pretence of hiring, that is larceny. If he be indicted for this offence, upon a case, where it appears that he got possession of the property before the negotiation for the purchase was completed, his offence is larceny. But if the purchaser under false pretences be not tried until after he has got absolute possession of the property, then the English law charges his offence as a misdemeanour; so that if he get possession absolutely, his offence is misdemeanour; or if he have obtained either a temporary or partial possession only, it is felony; and as you cannot indict him both for the felony and misdemeanour at once, you are subject to be defeated, even in the clearest case, in your attempt to obtain a conviction against him, on an indictment either for the one offence or the other. This is especially true, if you charge him with the misdemeanour. If you cannot prove against him the "*animus furandi*," at certain periods of the transaction, you cannot convict him at all: he pleads to the felony, and your aim is defeated. Now, the object of the man in either case being the same—namely, to cheat; common sense prescribes the object of the law, which should be, in either case, to restrain and punish him. It can hardly be contended, that that is a sound state of law in which, if you hold a man guilty of a misdemeanour, he shall be liable to punishment; if guilty of felony, you shall be unable in effect to punish him. The noble lord, the member for Northamptonshire, asked me a question the other night in relation to the Malicious Trespass Act. That, of course, like many other laws relating to offences against property, I have made such an alteration in, as I take to be improvements; for while I have thought it incumbent upon me, and of great consequence to retain all that was valuable in that law, I have ventured, at the same time, to make some amendments in it. The Malicious Trespass Act was brought in, as the House is aware, four or five years ago, and enables the magistrate to convict the offender summarily in the penalty of £5, if the injury done amount to that sum; and upon non-payment of the penalty, the magistrate is empowered to commit to prison, for a period not exceeding three months. I propose to retain the sum which gives the jurisdiction, namely, to limit the operation of the penalty to cases where the injury done amounts to no more than £5. This law, as I said before, in its present state enacts, that, in default of payment of the penalty imposed, the offender shall be held liable to a term of imprisonment not exceeding three months. Now this, I think, is a very inexpedient enactment. I propose to carry the same principle into my amendment of this law, as I have carried into the other improvements I have mentioned; providing that the amount of the term of imprisonment shall bear some proportion to the amount of the fine. With reference to the objects of this Act, I consider, for example, imprisonment for the space of ten days, equal to a fine of £1. Suppose the damage, therefore, proved in any case under this Act, to amount to £1, I propose, instead of an imprisonment for three months, to imprison for ten days; if the damage done amount to £2, then imprisonment for twenty days. The result of this alteration will be, that instead of the magistrates having a power to sentence for three months, the maximum of the term of imprisonment, that maximum will be fifty days. I beg particularly to observe, that I propose to exclude from the scope and operation of this Act, all offences of every kind which may be considered as offences under the Game-laws. At present, in the case of damage

done in the pursuit of game, the magistrate has the power to commit summarily under the Game-laws. I propose to leave out of the Malicious Trespass Act every such case. At present, the party injured has the power of apprehending summarily, without a warrant, the offender who has maliciously injured his property; that is, I should rather say, in the case of wanton or malicious injury committed this day—two days hence the existing Act gives the power to arrest without warrant. Now, I propose to take away the power of this arrest without warrant, under this Act generally, and to limit it to those instances wherein the offender is caught in the fact. These, Sir, are the alterations I have made in the Malicious Trespass Act. Then there are the laws relating to summary jurisdiction. Some of these impose a maximum, and others a minimum of penalty, at the discretion of the magistrate; under others, the magistrate has no discretion as to imposing any minimum of fine, according to the extenuating circumstances of the case, but must assign precisely that which is mentioned in the Act. Now, I propose, in all cases under these laws, to fix the maximum, but never to do so as to the minimum of penalty; so that, if it shall satisfactorily appear in any case that the party had no malicious intention in the damage which he may have committed, the magistrate may be at liberty to dismiss him instantly. At present, the power of imprisonment, in the event of inability to pay the enacted fine, was too extensive. I have attempted to regulate the proportion of imprisonment according to the nature and amount of the damage done. And as cases of malicious injury to property, and other injuries of the same kind, admit of compensation, the party damaged, as the law stands, is to receive an amount equivalent to the loss sustained by reason of the actual injury committed upon his property, as satisfaction to him; and the magistrate has the power to inflict an additional penalty on the offender, as a satisfaction to public justice.—Having already, on a former evening, stated to the House the general principles on which the other measures I now introduce are founded, I do not feel it necessary on the present occasion to enter upon any further statement of them. As I believe that there exists no intention to oppose the second reading of these bills at present, I shall be much obliged if the House will permit them to pass, *pro forma*, to that stage, and to the committee, merely to allow me in the mean while, time to fill up the blanks that occur. My sole object I can assure the House is, that they may come before it, when in committee, in such a shape as to give hon. members the best means of forming a correct view of their enactments: and most assuredly, if it be desired to offer any objections to them, I shall be most happy to afford every opportunity for their discussion, and to offer every explanation in my power.

Sir J. Newport expressed his surprise that the bills introduced by the right hon. Secretary, which were found so beneficial for England, had not been extended to Ireland. He thought the whole United Kingdom ought to have the benefit of the improvements made in the law; but unfortunately, whenever any good measure was devised for England, it was not for years after extended to Ireland.

Mr. Peel said, that there were circumstances of difference in the law of the two countries, which rendered it impracticable for him at present to include Ireland in the bills introduced by him. He understood, however, that bills embracing the principle of his bills, were in preparation by his right hon. friend, the Secretary for Ireland. He was here desirous of supplying an omission. It was to make a public acknowledgment of the great services he had received from Mr. Hobhouse the under-secretary, who had afforded him most important and valuable assistance. He had a similar acknowledgment to make for the valuable assistance afforded him by Mr. Gregson, a gentleman universally esteemed by the profession of which he was an ornament. Indeed, he had found a disposition to assist him in clearing the law of its obscurities and perplexities from the judges, down to the humblest practitioner, which reflected great credit on all classes of the legal profession.

In reply to some remarks by Mr. A. Dawson,—

Mr. Peel assured the hon. member that there was no disposition on his part to withhold these bills from Ireland; but he thought it would be well to try the effect of them in England, and if they worked well, then to extend them to Ireland. As far as the jury bill had been tried, it had produced the most satisfactory effects. The bills were drawn up with particular reference to the law in this

country; and if he were required now to include Ireland, he must forego the intention of passing these bills this session. He understood that a bill for consolidating the law relating to Larceny in Ireland was in a forward state of preparation.

The four bills were read a first and second time, and committed.

## CATHOLIC EMANCIPATION.

MARCH 13, 1827.

MR. SECRETARY PEEL, in answer to Mr. Portman, who had presented a petition from Blandford Forum against any further concessions to the Roman Catholics, expressing at the same time his opposition to the prayer of the petition—begged leave first to state, that although his hon. friend, who represented a populous and prosperous county in Ireland, was connected with him in his official duties, as well as allied to him in private life, yet that these did not make him responsible for what his hon. friend had said in that House; nor must it be supposed that he took all his hon. friend's statements for granted. He begged that his own opinions might be judged of by his own speeches. When the hon. gentleman asked him, whether he had any specific measure in contemplation for ameliorating the state of Ireland, and removing the evils under which that country laboured, he thought the hon. gentleman's own good sense must have induced him to anticipate the answer which he would receive to his question. He certainly had not in contemplation, at the present moment, any specific plan by which he hoped to be able to remove the evils in Ireland. Respecting the nature and extent of those evils he had recently taken an opportunity of stating his sentiments; and he did not think it necessary to repeat them. He trusted it would not be supposed that in the opinion which he had given on the occasion alluded to, he was not actuated by the warmest feelings for the welfare and prosperity of that country. His opinion might be erroneous; but it was dictated by the most sincere anxiety for the happiness of the country to which it related. In the last and in the preceding session of parliament, the state and condition of Ireland had undergone the fullest investigation before a committee of that House. He had attended throughout the whole of those inquiries, and had listened with the greatest interest to all that had taken place. Some of the evils pointed out by those committees had been remedied; to others he should be most willing, if possible, to apply a cure. If he had any measure to propose, such as that which the hon. gentleman described, the hon. gentleman would have no right to call upon him to disclose its nature. He would of course in that case give full notice of his intention, in order that the subject might be deliberately considered. If he had any such plan, no better mode could be devised of defeating it, than by making a premature disclosure of its character. But the fact was, that he had no such plan; although he looked upon Ireland with the same anxiety to remedy evils existing in that country as he felt to remedy evils existing in this.

## EDUCATION OF THE POOR IN IRELAND.

MARCH 19, 1827.

On the presentation of a petition by Mr. James Grattan, from the Roman Catholic Bishops of Ireland, on the subject of Education in that country,—

MR. SECRETARY PEEL thought he could satisfy the hon. member who spoke last (Mr. J. Smith), that after the manifestation of opinion, in which he had not shrunk from declaring his acquiescence, the course pursued by the Irish government was the only one that could have been taken. They selected certain aggravated cases pointed out in the reports, and the law-officers of the Crown were directed to prosecute: the cases were sent to a jury in the ordinary manner, but the jury had declined to convict. The Irish government had done its duty; for, although it was apprehended that such might be the result, it was thought right that no means of obtaining punishment should be omitted. As to education generally, he had stated



his opinions fully upon the subject when he was in Ireland. At that period, a proposal had been made to him on the subject, by several persons, to whom he had at once declared, that it was extremely desirable, in his opinion, to diffuse the benefits of education as generally throughout Ireland as possible, without exciting any alarm or jealousy upon the grounds of religion. In consequence of this proposal, and of the views which he had expressed upon the subject, a school had been formed, comprised of every sect without distinction, and a sum had been voted for its support by parliament. It had always been his wish that the children of Roman Catholic, and of Protestant parents, should receive their education together. It did appear to him to be of immense importance, that they should receive their education in the same school, and that from the period of their earliest infancy a line of demarcation should not be drawn between them. It was his wish that education should be given generally and fairly; that both parties should conform to one common plan; that they should receive their instruction from one common source; and that, on Sundays, each sect should imbibe their religious precepts and form of faith from teachers of their respective communions. There were many Roman Catholic children educating at these schools by Roman Catholic masters; and, if any undue attempts were made to convert such children, it was contrary to the original intention and design of the establishment. A system of imparting religious instruction generally, without reference to sects, had been under the consideration of the Roman Catholic prelates, and the prelates of the Church of England. It was the design that the children should, on Sundays, receive their religious education from the pastors of their respective faiths. He should be extremely sorry to hear that it had been necessary to abandon these schools from any cause whatever.

Late in the debate, Mr. Peel said he thought the subject of so much importance, that he wished no misunderstanding to go forth, to the effect of creating an impression that any part of the system was to make proselytes. Upon this subject he had only to refer to a Report of the commission appointed for this special purpose—in consequence of an address of that House. In this commission were to be found the names of Mr. Frankland Lewis, Mr. Grant, Mr. Lealie Foster, Mr. Blake, and other gentlemen of intelligence and honour, who embraced either side of the question. The commissioners had entered into the system of the Kildare-street Society referred to in the present debate. The question had been proposed to the commission, Whether the system or practice of the Kildare-street Society were or were not, to make converts of the Roman Catholics to Protestantism? The commissioners had reported, that “No fact has come to our knowledge to lead us to doubt their own repeated disclaimers of having any such intention.” Mr. Donelan had declared, that if any such design had been entertained by the Society, he would not have acted as the inspector of the schools, and that he had performed that duty, because he was convinced that the association had no intention of pursuing any system of proselytism. They had even protected Roman Catholic children as far as was consistent with their laws. The school master and mistress of the Society’s Model School at Dublin were Roman Catholics. The charges against the Kildare-street Society were grossly exaggerated. He could only say, that if that society had ever attempted a system of proselytism, it had greatly departed from its original principles, and from the designs for which it was established. As to the Roman Catholic priests interrupting these schools, it was not fair to draw, from one or two individuals, an inference prejudicial to the Roman Catholic clergy in general. Out of sixty Roman Catholic clergymen, fifty-three had approved of the school system, and had offered to give it every facility in their respective districts.

Ordered to lie on the table.

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## THE CORN LAWS.

MARCH 19, 1827.

The House in committee on the Corn Trade Acts, the following resolution respecting wheat, meal, and flour, viz., “for every barrel being 196 lb., a duty equal in amount to the duty payable on five bushels of wheat,” was put.

Sir J. Newport proposed as an amendment, that the following words should be added to the resolution, "and also a duty not fluctuating of 4s. on each barrel of 196 lbs. at all times."

MR. SECRETARY PEEL said, that when a proposition was made the other night for increasing the protection on barley and oats, he assented to it, because he thought that the question had not been fairly considered; but, as he now thought that there were no grounds for the amendment of the right hon. baronet, he would support the proposition of government, no matter in how small a majority he might be left. His right hon. friend had stated, that the present bill would place the duty on wheat and flour on an equal footing, and that previously it had been most unequal; the duty on wheat being 12s., while that upon the quantity of flour produced from it was only 9s. 9d. The resolution not only went to this extent, but it estimated the quantity of flour produced from a quarter of wheat at 313 lbs. only, whereas, in fact, it produced 336 lbs. Could a greater protection, then, be expected than this resolution would grant? Let the quantity of flour imported into this country be compared with the quantity of wheat, and it would be seen how little proportion the one bore to the other; either because of a greater danger that was apprehended in the exportation of flour, or from some other cause. Now, the House was called upon to fix an undeviating and rigid duty of 4s., applicable under all circumstances and changes to foreign flour—a course to which he could not give his sanction. He did not believe that the quantity of flour imported into this country by America, could ever in any way injure us; but he felt that, if the House did prevent the importation of almost the only article we obtained from that country; if it did appear to say, that it availed itself of the first opportunity of excluding the only article they were enabled to send us, America would conceive the measure to arise from some lurking animosity, and this country would lay itself open to the danger of retaliation; which would infinitely outweigh any evil that might be dreaded by our millers.

The committee divided: For the Amendment 116. For the original Resolution 152; Majority 36. The rest of the resolutions were, after some conversation, agreed to.

## SPRING GUNS' BILL.

MARCH 23, 1827.

In a debate on Mr. Tennyson's motion for the House to go into a Committee on the Bill for prohibiting the use of Spring Guns,—

MR. SECRETARY PEEL said, that although he approved of the principle of the measure, as he would show by the vote he intended to give that night, he nevertheless felt himself bound to express his very strong doubts with regard to the practical consequences likely to be produced from carrying the principle into effect. He was by no means satisfied that the taking away the protection afforded by Spring guns would not have the effect of increasing the tendency to commit crimes, by increasing the temptations to encroach upon property. Resistance would then ensue, and conflicts would be the consequence, to an extent as great, perhaps, or greater than before. In a society constituted like the present, he thought they ought never in that House to discuss a question on mere theoretical principles, without looking at the effects that were likely to flow from their adoption. Agreeing therefore, as he would, with the principle of the measure, he doubted its effects; and the longer he lived, he was the less disposed to predict what would be the consequence of any measure founded even on the best principles, without waiting to ascertain its practical effect; and he could not divest himself of a fear, that there might be ultimately an increase of crime by the adoption of the present bill, from an addition to the temptation to commit offences against property. When, however, he saw the consequences arising from the placing of Spring guns in unenclosed grounds, and when he heard of the daily accidents and misfortunes arising from the use of them in general, he felt that he could not any longer defend the continuance of such a system, and that it was better to run the risk of an experiment, even upon a theory, than suffer it any longer to exist; and he felt that the

consequences of the change, whatever they might prove, must be less pernicious than if the laws under which such things happened were permitted to exist. When he looked to the practical consequences of the present state of the law, he felt convinced that the punishment intended to be inflicted upon trespassers by Spring guns, seldom or never fell upon the guilty. The poachers, he believed, seldom or never suffered. In most cases, the punishment fell upon the totally innocent, or upon the keeper, and the persons who had placed them for the protection of the game. He would vote, as he had said, for the bill; but he gave that vote and that assent qualified by his expression of an apprehension for the consequences, and with an opinion that some relaxation of even a very good principle would be ultimately found necessary. He repeated, however, that when he looked to the mutilations and the calamitous results which arose from the use of Spring guns, he could not refuse his assent to the bill. The right hon. gentleman then alluded to the arguments which had been used by the hon. baronet and others with respect to the influence produced upon the minds of the poachers by the dread of Spring guns, and observed that the hon. baronet might still continue to use his *πολυβολοὺς* in the same manner as before [hear! and a laugh]. There were several portions of the bill to which he objected; such as allowing Spring guns to be placed in an open field, and some others of that kind. He did not see how or why Spring guns were not to be placed in an enclosed field, and yet allowed in an open common; but as these defects, if they were defects, might be remedied in the committee, he would conclude by expressing his cordial assent to the hon. gentleman's motion.

On a division, the motion was carried by 104 against 42; majority, 62.

## THE GAME LAWS.

MARCH 28, 1827.

In a conversation which arose on the presentation of a petition by Mr. Littleton from Wolverhampton, praying for an alteration of the Game-laws,—

MR. SECRETARY PEEL said, he thought it desirable to try the experiment by a partial operation, and to ascertain the effect of making game a saleable commodity. He was far from meaning to say, that if game were made saleable, the Game-laws ought to continue in their present state. He had long felt that a change had taken place in society which absolutely required that those laws should be revised, and placed upon a different foundation. He had no wish to interfere with the privileges of private property. The owners of estates, and of game preserves, would naturally defend their rights. All that was desirable was, not to withdraw the protection from game, but to put the Game-laws upon a better and more practicable foundation. At present the sale of game was confined to poachers, and it was desirable to let the owners of game come in competition with them. In Scotland, the laws relative to game were of a much better description than those of England. As to an alteration of the laws now in force in England, it appeared to him an easy matter. It could not be difficult to legislate in such a way, that persons who were now entitled to kill game should have an advantage over those who had not such a description of property; but in doing this, he should certainly wish that the qualified person should not have the exclusive privilege of selling game. He wished, too, that something might be done to withdraw the ground of quarrel which frequently took place between the small and the large landed proprietors residing in the same neighbourhood. He did not at all enter into the fears of those who thought that, if the right of shooting were extended, the man of three acres would materially diminish the game of his neighbour possessing three thousand. On the contrary, a compromise would generally take place, in which the person of such small property would be glad, for a trifling sum, to agree not to shoot at all. To say that the man whose few acres contributed to the food of the game, should not have the privilege of killing the very birds that devoured the produce of his field, was monstrous. Gentlemen would find it perfectly fruitless to attempt to continue these laws in their

present state. Such was the altered condition of society, that those laws could not remain ten years without material modifications.

The petition was ordered to lie on the table.

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## ORANGE PROCESSIONS IN IRELAND.

MARCH 29, 1827.

Mr. Brownlow moved for "Copies of the Correspondence between Mr. Hawkshaw and three other gentlemen, four of his Majesty's Justices of the Peace for the county of Antrim, and the Right Hon. Henry Goulburn, relative to the Marching of a Body of Orangemen on the 12th of July, 1825, in Lisburne, together with Copies of all affidavits forwarded by said Magistrates to his Majesty's Government."

In the debate which followed,—

MR. SECRETARY PEEL said, he should confine his observations to the single question before the House; namely, whether any parliamentary grounds had been adduced for the production of the papers. He would not follow the example of the hon. gentleman who had occupied the greater part of the time during which his speech lasted with debating the Catholic question. When called upon to pass an opinion upon high public authorities, he was sure that the House would not mix up with that the question of the Roman Catholic claims. Though he did not believe the hon. gentleman had introduced this topic for the purpose of influencing the House upon the present question, he must say that he thought the introduction of it at all any thing but fair. The right hon. baronet had said, that the conflicting statements which had been made were a sufficient ground for the production of these papers. He could not admit the extent of the right hon. baronet's reasoning. He thought that the question upon which the House had to decide was this:—Had such a *prima facie* case been made out, as to satisfy the House that further investigation was necessary? For his own part, he thought that there never was a case to which less suspicion attached. He thought he should argue the question fairly and properly, if he took this view of it—that a magistrate had or had not acted improperly, and that the chancellor of Ireland had or had not supported and encouraged him in his improper conduct. First, however, he must be allowed to say, that he heartily wished all these associations were at an end. He believed that they were dying away; but at the same time he agreed with the right hon. baronet, that if the processions were done away with, it would be better for the peace, the tranquillity, and the happiness of Ireland. Any opinion, therefore, which he might hold—any of the strong opinions which he was known to entertain respecting Catholic emancipation—could not fairly be supposed to influence him upon the present question. If he were a private gentleman in Ireland, he declared to God that he would, by his influence, by his example, by every means in his power, endeavour to put down these associations and processions. With respect to the question before the House, they were now called upon to investigate circumstances which had happened two years ago. He held in his hand the statement of Mr. Johnston respecting these circumstances and his motives. The hon. gentleman opposite appeared, by his cheers, to ask why he did not produce it. He would tell the House why he would not—because it implicated other persons—because Lisburne had been in quietness ever since—and because these circumstances had been for some time past buried in oblivion. Why, then, should he renew the disturbances even in recollection? It appeared that a complaint had been made to the Lord Chancellor respecting Mr. Johnston, and the latter was immediately called upon for an explanation. The outline of this gentleman's statement was as follows:—He was an old clergyman, seventy-eight years of age, and had no intention whatever of interfering, when the circumstances complained of took place. He was, however, called upon by a police magistrate, who entreated him to attend a meeting of the magistrates. He went there, and found them debating how they should behave on the following day, which was the anniversary of the battle of the Boyne—a day which it had always been customary to celebrate by processions. He was told, that in the opinion of the Attorney and Solicitor general these processions were illegal; but upon looking

over the Act of parliament he did not find the word "processions" in it, and he therefore gave it as his opinion, that the Act did not include processions. At the same time, however, he strongly recommended them, as a friend, not to use force. He denied that either directly or indirectly he took any part in the proceedings; and though he took a different view of the law from the Crown lawyers, yet, as a friend, he advised them to disperse peaceably. It was true that he entered the town with an orange riband, and certainly he would have been better advised if he had left this distinguishing badge at home. Mr. Johnston, however, stated, that he thought he should have more influence with the Orange party if he wore the insignia which proclaimed him their friend, and appeared with a badge which he had worn on that day for nearly forty years. He thought this a fair and honest declaration; but at the same time he would repeat that, in his opinion, Mr. Johnston, as a magistrate, did not act judiciously in appearing with this distinguishing mark. This statement had been sent by Mr. Johnston to Lord Manners, and he received no answer to it; it being the custom of his lordship, when he received a vindication which he thought satisfactory, not to return any answer to it, but to let the matter rest. Mr. Johnston, however, was uneasy at receiving no answer, and wrote to Lord Manners, who replied, that though he differed entirely with him as to the law, he was glad that he had been able to send him so satisfactory a vindication. Could this be called encouraging Mr. Johnston in his conduct, when the Chancellor expressly told him, that the view which he had taken of the law was wrong? He thought this a fair statement of the case, and if it were, he would ask if any parliamentary grounds had been made out in favour of the motion? If, after a lapse of two years, no worse case had occurred—if the hon. gentleman who had brought forward the motion had not been able to adduce any thing of a more aggravated nature—was it wise to revive this circumstance? Was it not fair to infer that occurrences of this nature had been made to wear away by good example? When these occurrences took place, it must be recollected, that the Act which forbade them had only just passed. If it had happened lately, the matter would have worn a very different aspect. It must be recollected, that the person in question was a very old gentleman; that he had been in the habit of seeing these things done all his lifetime, and at times when exhibitions of this nature were not looked upon in the way in which they had subsequently been viewed. Some allowance must be made for circumstances and example; and a little consideration should be had for adherence to former opinions. He entreated his hon. friend (for he must allow him to call him so) to recollect, that this circumstance took place in July 1825, and that in the March preceding, his hon. friend had presented the petition from the Orangemen, which prayed an inquiry into the institution, objects, signs, oaths, and passwords of the Orange lodges in Ireland, and stated that the Orangemen were most anxious for inquiry. He (Mr. Peel) had taken a part in the debates of 1825, and he then held precisely the same language which he held now, and said that nothing could compensate for the existence of these associations. He never could agree to the production of papers which would inculcate parties who had no disposition whatever to violate the law; and under these circumstances, he should decidedly oppose the motion.

On a division, the motion was negatived by 124 against 69; majority, 55.

## INTERFERENCE OF THE MILITARY AT THE LATE CARLISLE ELECTION.

APRIL 3, 1827.

In the debate which arose on the presentation of two petitions by Sir James Graham, one from Richard Pattinson, the other from certain freemen and inhabitants of Carlisle, complaining of the unconstitutional introduction of a military force at the last general election for that city, by which some persons lost their lives, &c.,—

MR. SECRETARY PEEL deprecated, in the strongest terms, any unnecessary calling in of the military, to assist the civil power. At the same time, he felt himself compelled to say, that so long as the city of Carlisle remained as it did at present,

without any efficient civil force, the military must occasionally be called in to preserve the public peace. The whole civic force of Carlisle at present was two constables. It was not surprising, therefore, that the law was not properly administered, considering that these two men had to superintend and to check all the offences committed by a population of thirty or forty thousand persons. He knew that a bill was now before the House for the specific purpose of giving an efficient police to the city of Carlisle; and he made no hesitation in saying that some pecuniary sacrifice must be made by the inhabitants to carry it into execution. It might be a good system, four or five hundred years ago, to trust to the exertions of a party of shopkeepers and special constables; but now, when the population was so much greater than it was, and so many artificial wants were introduced among them, he thought they ought not to trust to a corps of volunteer constables, but to a well-paid and united police. He did not know whether he should have taken any share in the present discussion, had it not been for the charge of remissness which the hon. baronet who presented the petition had brought against himself. He thought that he could satisfy even the hon. baronet himself, that the charge was totally without foundation. The first riot took place at Carlisle on the 6th of June. On the 7th the mayor wrote to him informing him of it, saying that he had called in the military, and hoping that he would sanction, not merely their being called in, but also their being retained in the town. He received that letter on the 9th of June. On the same day he wrote an answer to the mayor, saying, that he could not approve retaining the military force in the town during the time of the election, unless there were a clear and undeniable necessity for it; and that the sex of the two persons who were killed by the military, made him pause before he ventured an opinion in approbation of the mayor's conduct. He likewise added, that as to the propriety of retaining the military in Carlisle, he was not then in a situation to decide; and that he must have more facts within his knowledge before he gave to such a measure his approval. He thought that the hon. baronet would, upon this statement alone, acquit him of the charge of remissness. But he could carry his defence much further. He had written immediately to Sir J. Byng, the commander of the district, and had requested that excellent officer to send him all the particulars which he could collect, relating to the unfortunate transaction. He had received such a report from Sir John Byng; and he owned that the impression on his mind was, that there was no intention on the part of the mayor to interfere with the freedom of election when he called in the military on the 5th of June. Carlisle was a garrison town; and therefore it was that a party of soldiers were left in it during the election to take care of the garrison. It was in consequence of Carlisle's being a garrison town that it had been so long without an efficient police. The people of Carlisle had hitherto relied on the presence of the military in case of any disturbance; but he must now tell them that that reliance must be at an end; for he would not lend his assistance to calling in the military on every trifling breach of the public tranquillity. He then entered into a statement of the circumstances of the riot of the 5th of June, which corroborated that previously given by Sir P. Musgrave. He contended, that the military had not fired until they were compelled to do so in self-defence; and he believed that it was owing to their desire to avoid mischief by firing over the heads of the people, that one of the women, who was killed at her window, met her death. He then entered into a similar history of the riot of the 9th of June, and said, that the information which he had received convinced him, that on that day the mayor had been grievously assaulted by the rioters, and, indeed, had been confined to his bed in consequence of bruises he had then received. He therefore thought that it was possible that the mayor, having been himself captured on the 5th, and seriously assaulted on the 9th, by the rioters, had conceived that a necessity existed for calling in the military. It had been asked, why he had not called in the infantry, instead of the cavalry? It appeared to him that the mayor's reason for calling in the cavalry instead of the infantry was, that he did not wish to aggravate the feelings of animosity which already existed between the working population of Carlisle and the military stationed in the garrison. He had now stated the case as fairly as he could, for he had no triumph to gain, being unconnected with either of the parties in the city of Carlisle. He thought the hon. baronet had done wisely in not founding any motion on the petitions which he had presented,

but in merely stating it as a reason for securing to Carlisle the benefit of a sufficient civil force.

The petitions were ordered to lie on the table.

## STATE OF CHURCHES IN IRELAND.

APRIL 3, 1827.

Sir J. Newport, pursuant to notice, moved the following resolutions:—

“That it appears from the Irish statute, 12 Geo. I. cap. 9., that many of the Parish Churches of that Kingdom, which had been transferred at the time of the Reformation into possession of the Established Church of Ireland, were in the year 1726 in a state of such great decay, that Divine Service could not be performed therein; and it is also there stated, that such Churches could not be rebuilt or repaired in consequence of the Popish inhabitants outvoting the Protestant parishioners at vestries held for such purpose.

“That the said Statute, and many succeeding Statutes, for the purpose of removing such constructions, continued to enact, during an entire century, that no Popish inhabitants of any parish in that kingdom should be admitted to vote at any vestry held for such objects.

“That, although the entire disposal of the power of Parochial Taxation for such purposes was thus vested in the Protestant Parishioners, and although those professing the Popish or Roman Catholic religion were absolutely excluded from all possible interference with the exercise thereof, the Churches, and many of the Cathedrals, were allowed to continue in a state of progressive decay, until they became in numerous instances absolutely ruinous, without measures being adopted, either by the Protestant Parishioners, or by the Episcopacy or Government of Ireland, for the prevention of such highly injurious consequences.

“That it appears in the highest degree unjust to effect the re-building of Churches thus allowed to become ruinous by the neglect of those who had full power to prevent their dilapidation, at the expense of those parishioners who constitute, in most of the parishes of Ireland, a very great majority of the inhabitants, but whom the Legislature had thus specially excluded, as being Roman Catholics, from all interference therein.”

Mr. J. Grattan seconded the motion.

In the debate which followed,—

MR. SECRETARY PEEL expressed his readiness to give the hon. gentlemen opposite the fullest credit for their declaration, that in supporting these resolutions they were desirous to promote the real interests of the established church; while, at the same time, he claimed for himself and his colleagues the same credit for meaning to exempt, as far as possible, the Catholic tenantry of Ireland from undue burthens. He hoped, therefore, that this question would be discussed upon its own intrinsic merits, and without reference to the diversity of opinion which prevailed between them upon what was called the Catholic question. He must defend his right hon. friend from the sarcasm which had been thrown upon him for his bill of last year; a bill which had materially benefited that part of the Catholic population to which it applied. The attack upon the vestry bill was therefore uncalled for; and the assistance which his right hon. friend had given in the tithe composition bill, ought never to be forgotten in the sister kingdom. With reference to the present question, the course of proceeding by resolutions was extremely objectionable; for it precluded that discussion, either of principle or of details, which was practicable in the introduction of a specific bill. He was sorry that this discussion had been embarrassed by allusions to cases of peculiar grievance in the levies on some parishes, and particularly the local act for St. George's parish. It ought to be remembered, that the latter was altogether a private act; and, if it had inflicted a grievance, the remedy was by a repeal of the objectionable clause, and not by the introduction of an irrelevant measure. It was equally wrong to mix up cases of spoliation and outrage with the present consideration; for these ought to be punished and repressed without reference to any of the larger topics which had been introduced into the

discussion. He could not concur in the broad proposition which had been laid down by the right hon. baronet; namely, that the Roman Catholic peasant ought not to be burthened with any share of the expense for repairs of Protestant churches. If that principle were good for Ireland, why was it not equally so for England? Let the House see the length to which it was capable of being carried. If one class of dissenters were to be so far relieved, what reason could be assigned for not releasing all other classes who were not within the pale of the established church? Such a proposition would require very serious consideration; for the inevitable consequence would be, that all who were indifferent to the reformed system of worship would declare themselves dissenters for the purpose of escaping this tax. Undoubtedly he was prepared to admit, that if one class of dissenters more than another deserved to be looked upon in a favourable light, it was the Roman Catholic occupiers of land in Ireland; for they had to provide their own churches, as well as to assist in making the same provision for the church established by law. But while he entertained these feelings towards the Roman Catholic occupier of land, he felt them not for his landlord, and more particularly for his Protestant landlord; and still less so, where he happened to be an absentee. Of all men, for him he had no consideration. He would not, indeed, compel him to reside in Ireland, but he would not exempt him, if he could, by a bounty on his absence, and for the purpose of casting the price of that bounty upon others. With reference to the right hon. baronet's second proposition, for the insertion of a future clause into leases, to save the Roman Catholic tenant, and throw the weight upon his landlord, he was rather favourable to the consideration of such a regulation, if he could see his way through the prevention of any abuse of its provisions. He felt for the poor tenant who had taken his lease without any expectation that a church would be built near his land, and who had afterwards to meet the expense of such a building. With these impressions, and with the utmost desire to go hand in hand with the right hon. baronet, in giving a full and calm consideration to such parts of his plan as he had alluded to, if brought forward in the form of a specific bill, he hoped he would withdraw his present resolutions; otherwise he should meet them by the previous question, which would not prejudge the future consideration of the condition of the Irish tenantry, or decide against hearing their complaints. As to the extension of the plan to Ireland, which had been acted upon in this country in the mode of building new churches, by making certain public advances for that purpose, he was not prepared to say how far that could be realized. At all events, he was not adverse to the consideration of this branch of the subject, if introduced in a different form.

Sir J. Newport in reply said, that he should withdraw the resolutions, and simply move for leave to bring in a bill, "to amend the laws for building, re-building, and repairing Churches, and for relieving the occupying Tenants of Land in Ireland from the burthen of Church Rates in certain cases."

The resolutions were accordingly withdrawn; and leave was given to bring in the bill.

## IMPRISONMENT FOR DEBT.

APRIL 3, 1827.

Mr. Hume, pursuant to notice, moved "That a Select Committee be appointed to enquire into the state of the King's-bench, Fleet, Marshalsea, Whitecross-street, and Horsemonger-lane prisons, for the reception of persons imprisoned for debt and contempt of court, into the arrangements, rules, and regulations, made for the better management of the same since the Report of the Committees of this House in 1814, and the Report of the Commissioners in 1818; also, to consider of the operation of the laws authorizing Imprisonment for Debt, and to report their opinion thereon, together with the Minutes of Evidence taken before them, to the House."

In the debate which followed,—

MR. SECRETARY PEEL said, he was not prepared, when he read the notice of the motion, to anticipate that so many subjects would be mixed up with it. The hon. member's motion extended to an enquiry into a most important branch of the judi-



cature of this country; as one of the propositions was, that a committee should be appointed to enquire whether imprisonment for debt should be abolished. To this proposition he most decidedly objected. But what remedy did the hon. gentleman propose? He had not suggested a single one to the House. It was not, surely, his intention to hold out to the creditor, that he should have no remedy against the debtor? The hon. member had stated the evils to which a person was subject who was cast into prison for debt; and he was perfectly willing to admit that such evils existed. But, in stating such an opinion, the hon. member had left out of his consideration the evils to which the creditor was subject. The privations of the debtor, the evils to which he was exposed, would operate to deter many persons from running into debt.—As to the subject of the enquiry into the state of prisons, it was a difficult thing to resist it, without having it supposed that there was a desire to screen individuals. In the present case he would readily concur in that part of the motion which sought an enquiry into the state of prisons, but not into that part which went to investigate the subject of imprisonment for debt. With regard to what had fallen from the hon. member for Aberdeen, respecting the want of a medical gentleman in the Fleet prison, he begged to say, that he had appointed a surgeon, a Mr. Cooper, with a salary of £200 a-year, to attend both the Fleet and King's-bench prisons. This gentleman was to attend the prisoners on both sides of the Fleet prison. He must, however, tell the hon. member that he believed he was mistaken in many of the facts he had stated. He was inclined to think the hon. member had obtained his information from a very suspicious source; and he cautioned him not to rely on all that was communicated to him from the quarter to which he alluded. He had himself received many letters from a Mr. Jennings on this subject; and the enquiries he had caused to be made in consequence, convinced him that the statements in those letters were exceedingly exaggerated. On one occasion, it was stated that a jury summoned to hold an inquest in the Fleet prison had been previously made drunk. He had accordingly referred this matter to the chief-justice of the Common Pleas, who, upon enquiry, found that there was not a shadow of foundation for the charge. With respect to the state of the Fleet prison, he believed that at present no effectual attempt could be made to remedy its condition. If the revenue had been in a more flourishing condition, he had intended to propose that a great alteration should have been made in this prison. The city of London were desirous of having the site on which the prison stood, and had offered to give a more convenient piece of ground for the purpose of building another prison on. On consultation with his right hon. friend, the Chancellor of the Exchequer, he had, however, found that it would be more convenient to postpone the measure to another year; and he had therefore been reluctantly compelled to do so. He had no hesitation in admitting that the system of the King's-bench prison was extremely defective; and if there were a vacancy to-morrow in the office of marshal, he should recommend its being done away with. The large fees, amounting to £2,000 or £3,000 a-year, were necessary in the present state of the prison, owing to the heavy responsibility and loss which the marshal sometimes sustained. He had been in constant communication on these subjects with the chief justices of the King's Bench and Common Pleas, who, notwithstanding the pressure of public business, were always ready to give whatever assistance they could. They did not refer to the warden or marshal, but sent able and confidential persons, who made satisfactory reports. He found it difficult to refuse the enquiry which the hon. gentleman had moved for; and if he would be content to take a committee, the object of which should be limited by that of the former commission and committee, he was willing to accede to it; trusting to the hon. member for forming his committee so as to ensure an impartial investigation into the subject.

The motion was withdrawn.

## THE COURT OF CHANCERY.

APRIL 5, 1827.

Mr. D. W. Harvey moved, pursuant to notice, "That there be laid before this House returns of the number of causes set down before the Lord Chancellor from

the year 1820 to the present time, specifying when they were set down, how disposed of, how many were referred to the master, and their final result. Similar returns from the Master of the Rolls, the Vice-Chancellor, and the Chief Baron in Equity. The number of appeals to the Chancellor from the judgments of the Master of the Rolls—also, from those of the Lord Chancellor to the House of Lords. The number of petitions in bankruptcy and in lunacy, now standing in the paper of the court—and finally, a statement of the number of original causes, further directions, exceptions, pleas, demurrers, re-hearings, appeals, and causes on the equity reserved, standing to be heard on the last day of Hilary Term, 1827, before the Lord Chancellor, the Master of the Rolls, and the Vice-Chancellor, respectively; specifying the period when each petition was set down."

In the ensuing debate,—

MR. SECRETARY PEEL said, he must confess himself a little surprised at the course which the hon. member had taken, and at the warmth of the observations which had fallen from him. The hon. member, in the course of his speech, had stated that his object was to separate all political functions and feelings from the duties of a Lord Chancellor. This might be a very legitimate and proper object; but it was strange to see, after such a declaration, how the hon. gentleman could make such a motion a source of reflections upon the Lord Chancellor. Whether an active partisan and political functionary ought to hold the great seals, was a constitutional question which certainly ought not to be discussed upon the present occasion. It was evident, when the hon. gentleman had given notice of his motion relating to the Chancery, and which he had fixed for the 25th March, that he did not think it necessary to possess the information which was now called for by the hon. member for Colchester. The conclusive fact was, that the House was already furnished with the information required by the motion in the report of the commissioners. If the House were prepared to say that that commission was entirely futile, let them supersede its labours. He would maintain that that was the legitimate and fair view of the subject. Yes; he would say, supersede the commission and call for further enquiry. The subject would be discussed immediately after the holidays; and therefore it was only fair to the Lord Chancellor to postpone the present motion, until after the debate upon the bill brought in by the Master of the Rolls. He held in his hand the return of the business heard and disposed of by the Lord Chancellor in the Court of Chancery, from Trinity vacation, 1822, to Michaelmas vacation, 1825. This return had been moved for by the learned member for Ilchester, who had considered it to contain all the information necessary to the subject. If hon. members would refer to page 1121 of the report of the Chancery commission, they would find a detailed statement of the occupation of the Lord Chancellor for three years. He did not mean to say that the object of the hon. member was a personal attack on the Lord Chancellor; but he did say, that the motion was a reflection upon the report of the commission, and that such a proceeding was placing the judges of the land in a very embarrassing situation. [No, no.] He did think so; and he had a right to state his opinion. It was a hard thing for the Lord Chancellor to have his conduct thus enquired into, after he had furnished a statement of his daily business for three years; it was humiliating to that noble judge to be called upon daily to answer motions made in that House, before it had been decided whether the report of the commission were satisfactory or not. Without imputing to the hon. gentleman what he did not intend, he would oppose the motion; because it placed the Lord Chancellor in a situation in which he ought not to be placed, after what had passed.

On a division, the motion was negatived by 132 against 66; majority, 66.

## ROMAN CATHOLIC CLAIMS.

APRIL 6, 1827.

A debate having taken place on the presentation of a petition by Admiral Sotheron, from Nottingham, signed by upward of one thousand individuals, against any further concessions to Roman Catholics,—

MR. SECRETARY PEEL rose, for the purpose of deprecating the continuance of a

discussion of which no notice had been given, and the occurrence of which could scarcely have been anticipated on an occasion like the present; namely, that of presenting a petition on the subject of the Roman Catholic claims. Certainly, he could not have imagined that the hon. member who spoke last (Colonel Trench) would have adverted to any one of the numerous topics which he had brought under the notice of the House in a manner so irregular; and, he might be permitted to add, so premature and uncalled for. The hon. member had referred, in the course of his speech, to the Catholic Association—the subject of education—the payment of the Catholic clergy by the Crown—the determination of the Catholic question—the present state of the elective franchise—and the improvement of Irish agriculture. Now, he had not seen the petition which had given rise to this extensive choice of subjects by the hon. member; neither was he in the House at the time when it was presented; but he confessed he was not a little curious to see it, in order to see whether or not it contained as great a diversity of topics as the speech of the hon. member. If it did, it must indeed be a most extraordinary document. When it had been laid down by the chair, as in the present instance it had, that hon. members were precluded from alluding to any thing which was not contained within the four corners of the petition, he thought that this must be a most extraordinary one. However, he was rather disposed to consider the speech of the hon. member in the light of a record of his opinions and sentiments on the subjects in question; and he assured the hon. member, that he intended him not the slightest disrespect when he deprecated such a discussion as his speech was calculated to excite. He had risen principally for the purpose of deprecating the continuance of the discussion; but, before he sat down, he would advert to another subject. It arose out of the question which had been put by the noble marquis (of Chandos) relative to the enforcement of the law against the Roman Catholic Association. It was difficult to answer a question of that kind; but what he meant to state was this; namely, that the subject was one for which the law-officers of the Crown were not exclusively responsible. True it was, the law could not be enforced without first obtaining the opinion of the law-officers on the subject; but when that opinion was given, it was also a question of discretion as to putting the law in force, which rested as much with the government as with the legal officers of the Crown. It was, therefore, but justice to his right hon. friend, the Attorney-general for Ireland, to say, that if any responsibility were attached to the government, in regard to the enforcement or non-enforcement of the law, quite as much of that responsibility attached itself to the individual who might hold the office of Secretary of State for the Home Department, as to his majesty's Attorney-general, or any other of the ostensible law-advisers of the Crown. He felt bound also to say, that hitherto, between all the parties alluded to, the most perfect agreement had existed in regard to this subject, and that their unanimous opinion was that, up to the present period, no circumstances had occurred which rendered it advisable to enforce the law against the Roman Catholic Association. Having concurred in this opinion, and in the propriety of following the course which it dictated, he thought it right thus publicly to avow his participation in it; and he should only add, that in state prosecutions for libel, or for any other offence, he had never found his right hon. friend, the Attorney-general for Ireland, deviating from that line of conduct which it was correct to pursue. He had never known that right honourable individual to prosecute, or to abstain from prosecuting, public offenders, on account of the speculative opinions which they might entertain, or the party to which they belonged.

The petition was ordered to lie on the table.

#### BREACH OF PRIVILEGE.—THREATENING LETTERS SENT TO MR. SECRETARY PEELE.

APRIL 6, 1827.

The Speaker said, he had to call the attention of the House to a subject of some importance, inasmuch as it involved deeply the privileges of the House. He had just had put into his hands three letters, addressed by a person signing himself "H. C. Jennings," to the right hon. the Secretary of State for the Home Department; in the first

of which, he commented on part of a speech which he presumed to have been made two or three nights ago, by that right hon. member, and in no very courteous terms contradicted its assertions. The second letter was still more violent; and in the third, written this day, he declared his intention of making an answer to the right hon. member from the gallery of the House. Under these circumstances, the House would feel that, as soon as the matter came to his (the Speaker's) knowledge, he had but one course to pursue, to acquaint the House with it, and, with their permission, the letters should now be read by the clerk.

The Letters were then read by Mr. Lee, to the following effect:—

“NORFOLK STREET, STRAND, *Tuesday Morning.*

“Sir; I was in the gallery of the House of Commons last night, and heard you say I had written to you to state, that some of the jurors on the coroner's inquest, held on Lientenant Devenish, who died in the Fleet prison, were drunk while on the jury. I beg to say that this statement is totally false; and I defy you to produce, under my hand, any such words, for I never wrote such a statement to you. I heard you say, that Mr. Hume was deceived in me; allow me to say, you are deceived in me, and not Mr. Hume. My intention and motives are pure. May the Almighty Governor of the Universe reward or punish me, according to the truth of my statement to you regarding abuses in the Fleet prison. I will bring this matter before the public, even at the risk of my life; and I earnestly and respectfully entreat you to compassionate those poor men, twenty-five in number, who signed the petition to the House. My own wrongs I bury in oblivion. I advocate the wrongs of others, and I court the severest scrutiny into my morals and character. Be sure, Sir, some day all the facts will come out, when you will stand convicted of partiality and injustice.—I am, Sir, your faithful, humble servant,

“H. C. JENNINGS.

“The Right Hon. Secretary Peel.”

The second Letter was to the following effect:—

“18, NORFOLK STREET, STRAND, *April 5.*

“Sir; I had hoped to have had the honour of a reply to my letter of yesterday, in which I accused you of having stated circumstances to the House of Commons highly prejudicial to my character, as it was a deliberate falsehood; for you uttered it not in the heat of passion, but with a grace which only makes the offence more deep, but deserving a better cause. Do you refuse to make me an apology, because I have just been released from prison? because I am defenceless and in ill-health? If you do, I pity your courage as much as I deplore your want of generosity. To attack me in this manner, and under my circumstances; to hold me up to the world, and debase me in the eyes of the public, and of the House of Commons, is a moral assassination, and I envy you not the triumph obtained over truth and misery, by such base and unworthy means, of late years resorted to by official men. But when you got up, and stated such a fabrication, I confess I was hurt, and disappointed; as, whatever may be your opinion of my character, I take the liberty of forming no very honourable one of yours, unless you apologize to me; and I shall take the liberty also of considering my situation in society, however struck down I may be, as more desirable than yours, for you shall stand at the bar of the public a detected liar. In case I had written such words as you stated to the House, show the words, prove them by my handwriting. I defy you to do so; I am incapable of saying any thing against any one's character that is false, to gain any purpose whatsoever; and I do not believe any misfortune would so far corrupt my heart, or degrade my mind, as to make me pursue such a course.”

The third Letter was to the following effect:—

“Sir; Finding you are determined not to offer me any apology for the false and injurious statement you made to the House of Commons and the public, to the great prejudice and ruin of my honour and character, I shall therefore, regardless of the result, speak to you from the gallery of the House, as my life is a curse to me under the present affliction. Your honour demands this apology, as well as my feelings; for how can you rise in the House, and state facts, if it is proved against you, you

have told a wilful falsehood? This must paralyse every power you have; unless you defy truth and justice, you will live in a country where laws are not distributed equally for rich and poor alike. I am determined at all events to obtain the reparation I demand."

MR. SECRETARY PEEL said, he should perhaps be excused for stating the circumstances under which he had transmitted these letters to the Speaker. As he had received the last of them at four o'clock that day, he thought it possible, from what was therein stated, that a breach of decorum might be committed, and he had therefore deemed it best to send them to the Speaker. He had not had an opportunity of communicating with the right hon. gentleman upon the subject; and he supposed that the right hon. gentleman, drawing the same conclusions as he had done from the intimation in the last note, had thought it proper to call the attention of the House to the matter. He wished to take that opportunity of saying, that the impression which the writer seemed to have formed concerning what he had said, was certainly erroneous. When the hon. member for Aberdeen had brought forward his motion on the state of the prisons, he (Mr. Peel) had stated, that he had certainly received a great many communications on the subject, from a gentleman of the name of Jennings; and he supposed that Mr. Hume, too, must have received communications of a similar nature; and if he had, he had expressed his opinion, that that hon. gentleman ought not to place implicit confidence in them, for that, in his opinion, they were exceedingly exaggerated. In the course of the evening he had made an enquiry into the statement, that the jury assembled on Lieut. Davenish had been made drunk, and had sent to the chief justice of the Common Pleas, who had despatched a messenger to the prison, and had found on enquiry that the statement was not true. He (Mr. Peel) had merely stated the result of that enquiry. He therefore repeated, that Mr. Jennings seemed to be labouring under an erroneous impression as to what had been said. Whatever degree of lenity the House could show to Mr. Jennings, of course they would show him; but if he had allowed any individual to tell him, as Mr. Jennings had done, that he should make an address from the gallery of the House, and had not communicated the fact to the House, he feared that he should have been censured for negligence. He wished now to state that Mr. Clayton Jennings had also written to him on the subject of Tuesday night's debate, and through some misconstruction of what had been said, seemed to imagine that he had been alluded to. To correct that error, he thought it only necessary to say, that Mr. Clayton Jennings was not the person referred to by him, but a Mr. Constantine Jennings, who had been before a Committee of the House.

After some explanatory remarks from Mr. Hume, it was agreed, on the motion of Mr. Secretary Canning, that Mr. Jennings be ordered to attend at the bar of the House on Monday next.

#### NEW ADMINISTRATION.—MR. CANNING AS PREMIER.

MAY 1, 1827.

On the motion, "That a new writ be issued for Ashburton, in the room of the right hon. William Sturges Bourne, who has accepted the office of Secretary of State for the Home Department,"—

MR. PEEL rose, and addressed the House to the following effect:—

Sir; as the motion that has just been made is immediately connected with the accession of a right hon. gentleman to an office which I recently held, I trust the House will not think I am preferring an unreasonable request if I entreat them to allow me to offer some explanation as to the grounds on which I thought myself compelled to retire from the service of his Majesty. I know very well how much of personal matter must necessarily be mixed up with an explanation of this kind; but as I have so frequently, under other circumstances, experienced the kind consideration and indulgence of the House, I should be much disappointed if I should be deceived in the expectation that they will continue that indulgence, and will allow me to take this opportunity of fully explaining the reasons of my conduct. In that

expectation I have abstained from resorting to any other mode of making public the motives which have influenced me in the course I have adopted.

It is now about three weeks since I virtually resigned the seals of the office of Secretary of State for the Home Department. During that interval, my silence may have subjected me to doubtful and even mischievous constructions; but I have waited patiently until this moment, supported by the consciousness of having acted solely upon public grounds, and of having only taken that course which was consistent with my duty, and with what was due to my own character.

The explanation which I wish to offer is due not only to myself individually, but to the character of the class to which I belong—I mean the class of public men; and during the delay that has taken place, I have been supported by the hope, that at this moment, and in this place, an opportunity would be afforded me; and I felt the strongest confidence that the House would allow me to take advantage of this opportunity to make it.

Under the delay which has taken place, I have been supported by the hope, too, that I should be able to vindicate myself from the unfavourable constructions that might have been put upon my conduct in consequence of my silence, and to show that the course which I had pursued was that which the necessity of my situation absolutely required. I say, Sir, “vindicate the course I have pursued;” because I do avow that I think public men who are embarked in the public service have no right, upon light and insufficient grounds, to sever their connexion with the state, and to withdraw from that service into which they have entered.

If, Sir, I had acted in consequence of levity, of disappointed ambition, of personal pique, or opposition towards a rival, I should feel that I was, though not constitutionally, yet morally responsible; and that I should have shown by such conduct I was unworthy of the confidence with which my Sovereign had honoured me. But, Sir, I acted from none of those motives; they did not form the grounds on which I retired from the public service. I acted solely upon principles which I had frequently professed, and which I considered to form part of my public character.

For a space of eighteen years I have pursued one undeviating course of conduct, offering, during the whole of that time, an uncompromising, but a temperate, a fair, and, as I believe, a constitutional resistance to the making of any further concessions to the Roman Catholics. During fourteen out of those eighteen years, I have held office; and during eleven of those fourteen years I have been closely connected in office with that country most interested in the decision of those claims. The opinions which I held during that time I still retain; and I thought, from having always avowed those opinions, but above all, from having, while in office, taken an active, and I may perhaps say important, part against the claims of the Catholics, that I could not remain in office after events had rendered it probable that I should be the single minister of the Crown who was likely to continue opposed to them.

I say, Sir, under these circumstances, I did not feel that it would be consistent with the career I had hitherto pursued, and with the maintenance of my own character as a public man, to acquiesce in arrangements which would benefit myself by enabling me to retain office, which, however, I could not do without acting in a manner calculated materially to promote the successful termination of a question to which, under other circumstances, and in other aspects of political affairs, I had offered the most decided resistance. Under these circumstances, and with respect to the nature of the opposition which I had always offered to the proposed concessions to the Roman Catholics, I felt myself bound to act as I have done.

Sir, the nature of that opposition was such as to allow of no middle course; it was founded upon the belief which I have always sincerely entertained, that the removal of those barriers which the law opposed to the attainment of political power by the Roman Catholics, was inconsistent with the maintenance of the constitution, and with the welfare and safety of the church.

These being the grounds on which I have always spoken and acted, I say, Sir, that I am now in the judgment of the House and of the country whether I had not sufficient reason to decline acquiescing in arrangements which were calculated most decidedly to promote that object to which I had always been opposed.

The circumstances to which I have referred I considered seriously; and having done so, I made up my mind to retire from office, if my right hon. friend, whose

opinions on this subject were so decidedly opposed to my own, should be placed at the head of the Administration, where he could with more effect than ever support those opinions. If my own had been doubtful, my duty might not have required my resignation; but they were not, and my rigid sense of public duty has determined my course.

If even the Administration could have remained in the same state as before—if it could have continued exactly neutral upon this question—I might have continued in office; but when I saw that exact neutrality could not be expected—when I found that the Duke of York was no more, and that the voice of the Earl of Liverpool had become silent, I thought I had a right to act, and indeed that I ought to act, upon the conviction of my own mind, and not subject myself to suspicions by seeming to have been converted to opposite opinions, especially when the period of that apparent conversion would have concurred precisely with that of the change of Administration. I therefore determined to sacrifice office rather than abandon that course which I had previously pursued for so long a time, and which I had continued while in possession of the office which I lately held.

The next question upon which I wish to say a few words is, whether the appointment of my right hon. friend to be at the head of the Administration, and to occupy that place which was recently filled by the Earl of Liverpool, would not almost necessarily bring along with it the final success of the Catholic question?

It is due to my right hon. friend to say, and I give him full credit for it,—that I believe him to be actuated by the utmost honesty, sincerity, and zeal in his efforts for the promotion of the success of that question. I judge him in the same manner as I wish to be judged myself—by the uniform course he has pursued, by the public declarations he has so frequently made, and by the earnestness he has always manifested on this subject. I am perfectly satisfied, I say, with his honesty, sincerity, and zeal; and I declare that it will be as much his duty as I believe it always was his intention, if he should be placed at the head of the Administration, to promote, by every fair means, if not the immediate, at least the ultimate, success of the Catholic question.

Feeling so, I thought it was my duty to retire. I thought so, not merely because my right hon. friend differed from myself in opinion upon the merits of the Catholic question, but because the change consequent upon his appointment was such, that there could not be any thing less than a complete transfer of all the influence and power which belong (and I think properly belong) to the office of prime minister, from the opponents to the advocates of concessions to the Catholics. That transfer, Sir, was not a transfer of influence and power from one ordinary man to another ordinary man, but from the most powerful opponent of the Catholic claims to their most powerful advocate. Under these circumstances, and with reference to that question, I thought it would be impossible to conduct the government upon those principles on which it had been carried on under the Earl of Liverpool; and the consequence was, that I prepared to act upon that resolution, which, from the delay that has taken place upon Lord Liverpool's illness, I had had a full opportunity of considering, and which I had maturely deliberated. I had marked throughout, the splendid career which my right hon. friend had pursued with regard to the Catholic question, and each hour of my deliberation confirmed the opinion I had formed, that he would employ the influence of his new office to promote the success of that question which he had always so warmly advocated.

I found that from the very first period when the restrictions imposed by the Regency bill upon his present majesty terminated, up to the month of March last, when the hon. baronet, the member for Westminster, brought forward his motion regarding the Catholics, he had pursued the same active and undeviating course in promotion of the Catholic question, which I (though not with the same ability and power) pursued in opposition to it. In the year 1812, after Mr. Grattan had introduced his motion for the immediate consideration of the Roman Catholic claims, which motion was negatived, my right hon. friend was not satisfied with that negative, but brought forward another motion to the same effect as Mr. Grattan's; alleging, as his reason for doing so, that circumstances had been changed, as the restrictions on the Regency had then expired. That motion went to pledge the House to take

the state of the Catholics into immediate consideration on the commencement of the next session, and it was adopted by the House.

Now, Sir, I ask, what is there to prevent my right hon. friend, if he thought the course he then pursued were prudent and reasonable, and would be so at this moment; I say, what is to prevent him from pursuing the same course in 1827, which he adopted in 1812? In that year, Mr. Grattan's motion was negatived by a majority of forty; but my right hon. friend, not at all dispirited by that defeat, introduced a motion to the same effect, but in a different shape, pledging the House to a consideration of the question in the following session. One discussion has already taken place this session upon this question, on the motion of the hon. member for Westminster. That motion has been negatived; but the circumstances being pretty nearly the same, I see no ground on which my right hon. friend should feel himself debarred from now pursuing the same course which he adopted on the rejection of Mr. Grattan's motion. If I had continued in office, I could never have thought of proposing to my right hon. friend, that he should pledge himself not to adopt that course, though even if I had been by any chance induced to do so, I am sure, from the course he has always pursued, and from my conviction of the honesty and integrity of his conduct upon this question, he would at once have refused to give any such pledge. I say, therefore, that I was justified in accounting it at least possible, if not probable, that in this very session, a motion might be introduced by my right hon. friend upon the subject of the Catholic claims, and that I might, in this session or the next, be called on, as a member of the government, to acquiesce in a measure introduced by my right hon. friend, which, when it was introduced by the hon. member for Westminster, I had positively rejected. During the whole period from the year 1812 to the year 1827, my right hon. friend has, on every occasion, preserved his consistency upon this point; and in the declaration of his opinions, in his professions, and in his acts, has uniformly given to the claims of the Catholics his most decided, powerful, and effectual support. Not only has he supported them when the question has been brought forward by others, but he has himself originated motions for conceding at least a portion of the claims demanded by the Roman Catholics; motions, however, that, though limited in the extent of their immediate operation, yet involved principles which, if he thought good for a part, he must, by necessary consequence, have considered good for the whole.

In the year 1822, my right hon. friend introduced a motion for the admission of Roman Catholic peers to seats in parliament. That motion I felt it to be my duty to oppose. Now, I will suppose my right hon. friend, invested with all the influence and power of the first situation in the Ministry, again to bring forward that motion at the present time, and I ask whether I could acquiesce in the possession of office, connected as that possession must be with an acquiescence in the admission of that which I have before opposed, and which would involve the dereliction of every principle that I have formerly supported? Could I afterwards stand up in the face of the country, and allow it to be said that I had acquiesced in permitting the first Minister of his Majesty to carry into effect, without opposition, that which I had always opposed when it was introduced by any other person?

Sir, I allude thus to what I think my right hon. friend will do, not in the way of complaint—not with the view of remonstrance—that he should employ the influence of the new dignity that he has acquired, in the attainment of the object for which he has so long and so ably laboured; but, because I thought it necessary to vindicate myself, and deemed it essential for the maintenance of my own character, that I should state the whole truth, and explain exactly the nature of those reasons which induced me to adopt the proceeding of retiring from office.

I say, Sir, what security have I that my right hon. friend will not renew the motion which he brought forward in 1822, and which, if successful, would compel me to yield to a measure that I then opposed? His language upon that occasion was so strongly expressive of his opinions of the necessity of that measure, that I cannot avoid quoting it. He said at the conclusion of his speech—"I solemnly declare to the House, that I would not have brought this question forward, had I not felt assured, that the reparation which I ask on behalf of the Catholic peers is, in the name of policy as expedient, as in the name of humanity it is charitable, and in the name of God, just." I say, Sir, if that be a true description of my right hon. friend's opinion



—if he now believes, as he then stated, that the claims of the Catholics are in policy expedient, in humanity charitable, and, above all, in the name of God, just—with my confidence in his sincerity, how could I doubt that, placed in the situation which he now fills, had I remained in office, I should have been called on, and that very shortly, to adopt the alternative of either acquiescing in a motion not now for the first time brought forward, or of opposing myself to the strength of the government? and that acquiescence could not have been yielded by me without involving the whole of those principles which I have hitherto endeavoured to maintain? Sir, that such a motion as that which I have supposed, would involve the whole principle of the Catholic question, I may assert upon the authority of my right hon. friend himself, who said, that he could not conclude his speech on that motion, without admitting that the partial success which he was then attempting to obtain for the Catholics, would, he hoped, ultimately lead to the attainment of the great object they had then in view. Now, Sir, it would not be my part to acquiesce in the attainment of such an object; and if I had remained in office, it would not have been in my power to prevent any, even partial concessions, which might be introduced into parliament by the first minister of the Crown—by that individual who is honoured with the chief confidence of his sovereign; who is mainly responsible for the acts of the administration; and who is first in influence and authority in the Cabinet. I could not, I say, have acquiesced in granting to the Catholics the whole of what they claim, nor in any partial concession of the nature to which I have alluded, attended, as it must have been, with such consequences as my right hon. friend himself at that time predicted. I should therefore have held office only on sufferance; liable to be called on at the notice of a week to retire from the public service; and that too, perhaps, at a time infinitely more inconvenient for the public than that at which I actually did resign the department that had been intrusted to me. Could I doubt—especially after the example set me by my right hon. friend himself—the propriety of the course which, in my own opinion, circumstances had rendered necessary; always remembering the prominent line of conduct I had adopted upon the Catholic question, and anticipating, as I say I had a right to do, what would be the course that my right hon. friend would pursue, if he should be placed at the head of the administration?

I speak, Sir, of his example; because I think that I, at this day, am placed in circumstances very nearly similar to those in which he was placed in 1812, when he was asked to form part of an administration which was to be neutral on this very question, every member of it being at liberty to speak and to vote as it might seem best to him to do. When that proposition was made to my right hon. friend, he stated that he could not give his consent to act as a single minister upon a question in which all the weight, influence, and authority of the Prime Minister would be against him.

After that example, and after the opinion then expressed by the very minister who now possesses the situation of chief adviser of the Crown, I say, Sir, that I could not have retained office, and then have complained—if that speech had ever been quoted against me—for submitting to be the Secretary of State for the Home Department, in an administration in which I should have stood alone opposed to my right hon. friend who was at its head.

The speech to which I have alluded was delivered by my right hon. friend, when Mr. Stuart Wortley, on the 21st of May, 1812, brought forward his motion for the formation of a new and efficient administration. In that administration the Catholic question was proposed to be left open, and both the present Lord Wharncliffe and the noble Secretary at War voted in favour of the motion which my right hon. friend afterwards brought forward, and which was carried by a large majority. That majority amounted to 129. I voted on that occasion in the minority; it was a small minority; and though the Protestant cause was not then supported by the same numbers as had supported it when Mr. Grattan's motion was brought forward, yet I at least preserved a consistent course.

On the occasion of Mr. Stuart Wortley's motion, my right hon. friend assumed grounds for declining to form part of the administration, which I consider so nearly similar to those on which I have now retired from the public service, that I think I cannot do better than state them; and I beg therefore to make use of them, not only as applying particularly to my own situation, but as conveying, in better language than my own, the description of the grounds on which I have thought my-

self called upon to secede:—"I have been asked, whether, supposing I had accepted the offer that was made to me, I should not have felt myself at perfect liberty to act as my own opinions should dictate, upon the great question which constitutes the main bar of separation? I reply that, as a minister, I know I should have been at liberty. I do not mean to assert, that if I had joined the present administration to fight against my own principles under the banners of the noble lord, I should not still have had the power of making my solitary speech, and of giving my solitary vote in support of opinions I had previously maintained; I will not even say that there may not be honourable minds who would be satisfied with such a distinction, and it may be my misfortune or my fault that mine is not a mind of that construction. If, when out of office, I have lent to any cause that I deemed just my influence and my authority, I never can consent to accept office under the condition that I shall instantly divest myself of that influence and authority which ought still to be my companions, and to leave them on one great and vital question in open and wilful abeyance."

The justice of these sentiments no man can deny, and all must admire; and I believe my right hon. friends, like myself, were fully satisfied of their sincerity. He will now use, and no man can reasonably blame him for using, the influence and authority of the station he now fills, for the purpose of carrying that cause he has so long advocated in vain, and which out of office he declared to be just.

Almost every word then uttered by my right hon. friend upon this point applies exactly to my case. A little further on he observes, "Personal objections to the noble lord I declare I have none."—So I in my turn assert, from the bottom of my heart, that I have no personal objections to my right hon. friend. I, on this occasion, like my right hon. friend on that, "am actuated by no feeling of rivalry," and willingly acquiesced in the retention of his services when he was about to sail for India.

In attending his majesty to Scotland, I closed my lips on the subject; and on the first day after my return to London, I waited on my noble friend at the head of the government, and said that if his majesty, or my colleagues, deemed it of importance that my right hon. friend should hold the situations he has since filled, difficulties I would make none. That question, therefore, I decided four years ago, and I repeat in his words, that I have been "actuated by no feeling of rivalry; and, with this particular question excepted, I could have no earthly hesitation either in acting with or under him." I, too, cannot allow "the predominance of his opinion to stifle mine;" and on entering the Cabinet under such circumstances, I cannot pretend not to know that his "influence and authority" will be such as to paralyze all my feeble efforts in opposition to the object of his wishes. If I accepted office under him, let it be remembered that I must accept it with full notice of what were his views of the duties of a prime minister, invested with the influence and authority he will enjoy. In the course I have pursued, then, I have only acted in accordance with his example—an example I honour, and an example that ought to be set or followed by every public man.

In the course of the same speech, my right hon. friend made some remarks upon the varieties of opinion entertained in the Cabinet. "But indeed," he added, "it is unfair to impute to the Cabinet any opinion, because collectively it has none; and the retrospective influence upon my mind was, that if I had joined this *hortus siccus* of dissent, as Mr. Burke once termed it, we should have formed as beautiful a variety as was ever assembled in so small a collection. But, amidst such unprecedented differences, on which side is the influence and authority of government enlisted? That is the main question. This man may hold a blue opinion, another a white, a third a green, a fourth a yellow, and a fifth a red; but, with which of these shades does the sentiment of government most nearly accord? Undoubtedly, this point will be decided by the individual who, holding the principal office, pre-eminently enjoys the confidence of the occupant of the Throne, and the additional weight he adds to the scale must overbalance the remainder." I hope, also, that I may add, in the words of my right hon. friend, still in perfect accordance with my own sentiments, that "I could not feel that I entered the Cabinet with honour, if I consented to give there a mere barren, solitary vote. I trust, although not very fairly put upon my trial, that my conduct is completely justified in the eyes of the House and of the country."

: After the opinions I have avowed, and after the course I have taken for many

years, I fairly own that there would have been no inconsiderable difficulties in the way of my accepting office under my right hon. friend; but the peculiarity of my situation depends not merely upon the opinions I have avowed, and not merely on the nature of the resistance I have offered to the Catholic claims, not merely on the prominence of the part I have taken on that question, but on the fact, that for the last eleven or twelve years I have held two situations intermixing me with the administration of every Irish question: on me has devolved the whole responsibility, whether as chief Secretary for Ireland, or as Secretary of State for the Home Department. The relation in which I stood to the Prime Minister, from the nature of the office I lately held, I knew presented what I may venture to term an insuperable difficulty. Being now in the ranks of private life, and under no restraint of official reserve, I must fairly state that, for a long period, I only have been considered responsible for the affairs of Ireland. I was the only minister of the Crown in this House who took the view I entertained of the Catholic question; and I have been thus placed in a situation, not only of difficulty and embarrassment, but in a situation in which, let me say, no minister ought to be placed.

In the beginning of the year 1822—(a distinction certainly unsought and unsolicited on my part)—I was appointed Secretary of State for the Home Department, with full notice, I admit, of the difficulties I might thereafter have to combat. If I retained office, it was not from personal motives, or from any desire of the distinction conferred; and, in 1825, after I had been left in minorities on three different questions immediately connected with Ireland—the Catholic Question, the Elective Franchise, and the Payment of the Catholic Clergy (which I thought something very like the establishment of the Roman Catholic religion in Ireland)—I waited on my noble friend then at the head of the government. I told him that, personally, it was painful for me to disconnect myself from those whom I esteemed and respected; but that, having been left in a minority in that branch of the legislature of which I was a member, I anxiously desired to be relieved from my situation. The reply of my noble friend was, that my retirement would determine his own. I finally consented to remain in office; my noble friend declaring, that he deemed it of the highest importance that the Secretary of State for the Home Department should possess opinions as much as possible in accordance with those of the Prime Minister. He represented to me the difficulty he should experience in filling up the situation, and, in short, that my retirement must determine his own. I was thus induced to waive my wish for retirement, and to consent to remain until a new parliament had pronounced an opinion upon the great question which interests and agitates Ireland.

When last I addressed the House on that subject, on the resolutions of the hon. baronet, the member for Westminster, I expected to have been again in a minority; and, had that expectation been realized, I should then have withdrawn from the service of his majesty. Although I prefer no complaint—for I have always been treated with the most perfect good faith—yet it was no enviable situation at any time to be the single minister in this House responsible for the administration of the affairs of Ireland—opposed by all my colleagues, and daily seeing those very colleagues, the members of the government, actively concerting measures with my political opponents. They were at perfect liberty to do so; for it was understood that every man might exert himself, either in opposition to, or in promotion of, the Roman Catholic claims. I make no complaint, I prefer no charge on this account; I only state the fact, as the reason which made my situation extremely embarrassing. The support and assistance I received from my noble friend, Lord Liverpool, certainly rendered my difficulties less; but if, in the place of him with whom I cordially concurred—with whom I entered into public life—and between whom and myself there never was a shadow of difference of opinion upon any subject;—if, I say, in his place I find my right hon. friend, with whom I had the misfortune at all times to differ upon that paramount question, it is obvious that it was impossible for me to retain the particular situation I held as Secretary of State for the Home Department, connected as it was with the office of Prime Minister. Is there an hon. gentleman who hears me who does not feel, that if it were impossible for me to retain that situation, it was as impossible for me to be guilty of the paltry subterfuge of removing to another. I am perfectly satisfied every gentleman will be convinced that I took the

only course remaining to me; and that after the misfortune which befell my noble friend, the Earl of Liverpool, I had no alternative but to retire.

The relation between the offices of Secretary for the Home Department and Prime Minister, is more intimate than is, perhaps, generally supposed. Not only does all the Irish business pass through the hands of the Home Secretary, but his connexion with the Prime Minister is this—the Prime Minister has the disposal of all the patronage of government, while the Home Secretary is the minister who is legally and constitutionally responsible. Every place of preferment in the church, every official appointment, is disposed of by the Prime Minister; but the signature of the Secretary of State for the Home Department is indispensable to every instrument. Such being the fact, it becomes a matter of great importance in what manner this office is filled. He who is charged with the domestic government of this country ought not to be an individual materially differing in opinion from the Head of the administration. Where this accordance does not exist, the Home Secretary must either retire, or come in painful collision with his coadjutor on individual appointments—a condition most sincerely to be deprecated—leaving him no alternative but to withdraw himself from office upon some single, isolated point, the true grounds of which the country at large would never be able to understand and appreciate rightly. It was my duty, therefore, to consider all these points beforehand; and if I felt that such collision would arise, it was my duty to prevent it by retirement, without running the risk of embarrassing the public service by adherence to office. These are the public grounds on which—with reference to my position regarding the Catholic question—with a view to my position as Secretary of State for the Home Department, charged with the domestic administration of the affairs of Ireland—I thought it impossible to retain office under a Prime Minister, differing from me in so marked a degree upon a question of such magnitude. Acting upon these grounds with great reluctance, but at the same time without a moment's hesitation, I signified to his majesty my determination to resign.

Whether the House deem those grounds sufficient, is a matter, give me leave to say, of subordinate consideration to the question whether, having intended to retire, I acted upon that intention in conformity with good faith, and with the respect I owed to the sovereign who had honoured me with his confidence. I would much rather it should be thought that I acted precipitately, and upon insufficient grounds, than that I had been guilty of neglect of duty to my country, and of want of respect to my sovereign. The course I pursued was this: I felt my situation to be one of difficulty, and I wished to influence the opinion and conduct of no man. The first person to whom I communicated my opinion, that I should not be able to concur in the new arrangement, was my right hon. friend himself, then Secretary of State for Foreign Affairs. I mentioned my intention to retire to him, and to no other individual, and I knew not the intention of any other man. I acted under a sense of my own situation. The moment the subject was mentioned to me, I thought it did not become me to act with any reserve; and, having made up my mind, not to require that my answer should be postponed until the question had been formally and officially put. This, I am sure my right hon. friend will do me the justice to admit. The 29th of March was the first time the subject was introduced; and I then said to my right hon. friend, "I will tell you without reserve what are my feelings as to my particular situation: they dictate to me retirement from office, if his Majesty should select you to form an administration." I am sure he will recollect that I made this statement without any breach of that good understanding which has so long subsisted between us. That information I took care to convey to the highest quarter; for, here again I thought that there should be no reserve. My resolution was not sudden—I acted upon long previous conviction. The step I took was in no respect precipitate; and no one ought to have been taken by surprise by it. Decorum was due to the painful situation of Lord Liverpool; and after what delicacy required was at an end, and the matter was formally discussed, I took care that no doubt should remain as to the line of conduct I intended to pursue. I felt a sincere desire, I admit, to remain connected with the late administration; and I stated that if any arrangement could be made, so as to place the government on the same footing as it was when under the guidance of Lord Liverpool, I was satisfied with my situation, and wished for no change nor advancement.

If any arrangement could have been made, so as to secure to the office of Prime

Minister sufficient weight, and to me the same principles, I was perfectly content to remain in office, and was desirous to act, either with or under my right hon. friend, and to see him possessed of all the influence and authority belonging to his high station. I also beg leave to state, that I declared to my right hon. friend that the Catholic question, and my position with respect to it in the particular office I held, constituted my only objection to embark under his pilotage. Had I concurred with him upon that great topic, I should have been as ready to take office under him as under Lord Liverpool; but, differing from him upon a domestic question of such importance, as minister for the Home Department, from first to last I felt that it was impossible for me to continue in office with him.

Such having been my intention, the House has now heard the manner in which I carried it into effect. I before mentioned, that I declared my intention without communing with any other member of the administration. As I acted without the concert, it is unnecessary for me to add that I did not resort to the advice, of others. But, though I acted without concert with others, let me repel the painful accusation preferred against me, that I look upon my late coadjutors now in a different light to that in which I formerly contemplated them. The esteem, respect, and admiration, which I felt for them as my colleagues in office, I still retain to its fullest extent, and I am far from wishing that my case should be separated from theirs. I am at this moment prepared, if necessary, to vindicate them from the charge of concert and cabal. I am prepared to vindicate them collectively and individually, and to maintain that the course pursued by each of them was not only perfectly justifiable, but that their impressions and views of duty to the public service, and the conduct produced by those impressions and views, ought to be held up as an example to all who may hereafter be placed in similar circumstances. I declare, then, that the charge against these ministers, or any of them, that they acted by concert and cabal, is not the truth, but directly the reverse of the truth. If there be any appearance of concert in the steps they have taken, it is because, in point of fact, there was no concert at all. Their course was accidentally coincident; and, if they had been base enough to cabal against their sovereign, they would probably have been cunning enough to take care to avoid a discovery.

Although, by command of his majesty, I did communicate to one of my colleagues the course I felt bound to pursue, yet I never did inquire, and did not know, what steps that colleague himself would take. I did not know the steps that any of them would take; but I certainly did state, that if the government could be reconstructed, if the rest of my colleagues remained in office, and if I could reserve to myself full discretion on the Catholic question, I thought, without giving any specific pledge, I could give them general support. But I never communicated, for instance, with the Lord Chancellor: I never opened my lips until the 9th of April, when the order was given for the formation of a new administration. I never knew the course he meant to pursue; and, upon my honour, I believe that the same may be said of every member of the late government who thought it right to retire. They carried their delicacy and reserve to such an extent, that I do not believe that any one man was acquainted with the course which the other meant to adopt.

As to dictation, also, I declare that the charge is not only untrue, but directly the reverse of the truth. There was no attempt to dictate to his majesty by any one of the late ministers. I can assert it with respect to myself, with respect to the Lord Chancellor, and with respect to that illustrious individual whose name is stamped for ever on the records of immortality—that man who is not more remarkable for the brilliancy of his military exploits, than for the simplicity and singleness of his nature—that man whose candour and openness are habitual; and who is distinguished not only for the respect he bears to the kingly office, but, above all, for the devotion and attachment which he feels for the person of the sovereign. When I see it charged, after the services he has rendered his country, that for the base purpose of office he has acted in a way so unworthy, the accusation seems so shameful in its injustice, and so revolting in its ingratitude, that I can scarcely trust myself to speak of it. I say that I am prepared, were it necessary, to vindicate him and others from the foul aspersions cast upon them connected with their retirement; but I abstain from the undertaking, chiefly because it is not required at my hands, and because elsewhere they may take an opportunity, if they think fit, of meeting and repelling the imputation.

I have now, I believe, nearly completed the task imposed upon me by circumstances; and I feel deeply the obligation conferred on me by the attentive indulgence of the House. It is a matter involving something of public principle, but much more of personal interest; and I cannot conclude a statement of such length, of the grounds on which I am compelled to retire from office, without expressing deep regret at my separation from one with whom I have formerly acted with so much cordiality. That regret is nevertheless mitigated by the reflection, that I did every thing becoming my character to prevent that separation. Personally, too, I may lament that I shall not continue possessed of the opportunities which my office afforded me of making those changes, and introducing those improvements, from the adoption of which only I hoped for distinction and reward.

I cannot but feel concern that the confidence of my sovereign is withdrawn; and the change is the more painful from the uniform kindness and gracious consideration with which he formerly contemplated my labours, and my solicitude for the public welfare. I have the satisfaction of reflecting that every institution, civil and military, connected with my office, during the last five years, has been subjected to close inspection and strict review; and that I have been able to make such temperate and gradual reforms as I thought were consistent with the general and permanent good. I have also the gratification of knowing that every law found in the Statute-book when I entered office, which imposed any temporary, or any extraordinary restriction on the liberty of the subject, has either been repealed, or allowed to expire. I may be a Tory—I may be an illiberal—but the fact is undeniable, that when I first entered upon the duties of the Home Department, there were laws in existence which imposed upon the subjects of this realm unusual and extraordinary restrictions: the fact is undeniable, that those laws have been effaced. Tory as I am, I have the further satisfaction of knowing, that there is not a single law connected with my name, which has not had for its object some mitigation of the severity of the criminal law; some prevention of abuse in the exercise of it; or some security for its impartial administration. I may also recollect with pleasure, that during the severest trials to which the manufacturing interests have ever been exposed, during the winter of the last two years, I have preserved internal tranquillity, without applying to the House for measures of extraordinary severity. I hope it will not be considered unbecoming if I allude further to the satisfaction I derive from reflecting upon my exertions in favour of the just prerogative of the Crown.

For all the ancient institutions of my country I have felt a natural prepossession, and an earnest desire that they should preserve that veneration which has promoted their continuance; but those prepossessions have not prevented me from inquiring into cases of alleged abuse, and that desire has urged me, in a friendly and temperate spirit, to examine to what degree corruption may have intruded. Where change and restoration were deemed necessary, they have been applied, thus recommending those ancient institutions to the long-enduring attachment and veneration of the country. I again thank the House for the opportunity it has afforded me of giving this explanation, and I shall conclude by assuring it that the confidence of my sovereign, the good-will of his people, and the approbation of parliament, have been at once the motive and the reward of my exertions.

Later in the evening, after Mr. Canning, Mr. Brougham, and several other members had spoken,—

Mr. Peel, in explanation, observed, that what he had alluded to, in saying that the position which his right hon. friend occupied in 1812 very nearly resembled that in which he (Mr. Peel) now stood; and that the reasons which his right hon. friend assigned for not joining the government then very much resembled the reasons that actuated him (Mr. Peel) in seceding from the government at present—appeared to have been a little misunderstood. He had in truth observed, that the cabinet of 1812 was founded on a principle of equality and perfect fairness; seeing that every member of that government was to be at liberty to vote on the Catholic question according to his own opinions on the matter; and this was apparent from the course of conduct pursued by the late Lord Londonderry. His noble friend on this subject observed, that he was not demanding securities, for he had the votes against him of Lord Sidmouth and Mr. Perceval; and finally, it appeared that the government of 1812 had come to exactly the same conclusion on this topic as the present govern-

ment. Be that as it might, there was one part of his right hon. friend's speech to which he attached much more importance. It was that in which his right hon. friend had used the word "coincidence," remarking, in a tone not to be misunderstood, that although he did not impute any concert to the parties, yet, by a strange "coincidence," six Protestant resignations were put into his hands at once while he was reporting to his Majesty on the steps he had been taking for the formation of a new government. Now, it was but justice to those honourable men who were his late colleagues, to prevent any such imputation from being fastened on them. If those resignations were all brought in upon that Thursday, it certainly would have been a most unfortunate coincidence; but he was bound to say, that such was not the fact. On Wednesday the 10th of April, his right hon. friend received a commission to concoct his new administration. On that very 10th of April, in the evening, he saw his right hon. friend, who said to him, "I am afraid you are not prepared to give me any other answer than that which you have already given me." He answered, that he was not; but he gave in no resignation. On April the 10th, he certainly said it was impossible for him, he thought, to join a government, the Head of which entertained principles on the Catholic question so different from his own. On the same night the Lord Chancellor intimated to his right hon. friend the same conviction. Now, he thought that the Lord Chancellor had acted on this occasion a very honourable part; for he observed to him (Mr. Peel), "I have long sought an opportunity to resign.—My time of life has made it necessary that I should do so. A new event has occurred that enables me to accomplish this wish. Whatever my opinions may be on the Catholic question, it is hardly necessary for me now to restate them; for the question is merely whether I must revoke an intention I had previously formed of tendering my resignation, or go on acting with a minister who, upon that question, is most decidedly opposed to me." He further understood the Lord Chancellor to say, that although he was thus desirous to resign, he was disposed to remain in office for some few weeks longer, with the intention of delivering some judgments [a laugh].

Mr. Canning said, he did not understand from the Lord Chancellor, on the evening of the 10th of April, that it was his intention to resign; and he assured his right hon. friend, that he had received the resignation of that noble lord in the chamber of his sovereign on the 11th of April, along with the other resignations to which he had adverted.

Mr. Peel, adverting to the shortness of the period between the 10th of April, when these intimations upon his own part and that of the Lord Chancellor were first signified, and the 12th, when their resignations were given in, observed that that was quite enough to account for their accidental delivery at the moment to which the right hon. gentleman had alluded. I am pretty certain (said Mr. Peel), that the letters were written on the 11th or 12th. Lord Westmoreland's letter was dated the 11th, and Lords Bathurst's and Melville's on the 12th. These facts, Sir, I think, will show that, however extraordinary the coincidence alluded to by my right hon. friend, the time was too short for concert. But, whether the coincidence were extraordinary or not, I pledge my word, as a man of honour, that the answers were not concerted [hear, hear], and that on Thursday, the 12th, no one of my colleagues said to another, "My answer shall be the same as yours," or entered into any communication on the subject that could lead to a concerted arrangement, or imply the existence of any doubt or contingency in the minds of parties [hear, hear]. As for the Lord Chancellor's decision, what could be more natural? It must, indeed, have been expected. I have heard the sarcasms uttered in this House, that if Catholic emancipation were made a point in the formation of an administration, the Lord Chancellor would accede to it rather than give up his place; and I do think it a little hard, now that he adheres to his principles, and refuses office rather than concede them, that he should be charged with joining in a cabal [hear, hear]. Cabal, I do declare, there was none. It ought always to be borne in mind that when Lords Bathurst and Melville found that the Duke of Wellington, the Lord Chancellor, and myself, had already retired from office, they might sincerely doubt whether it were possible that an administration could be formed which would maintain the principles of Lord Liverpool. It appears indeed to me by no means impossible that honourable and conscientious men might doubt whether, under such circumstances, with

my right hon. friend at the head of the government, it was at all likely those principles would be maintained. I did not see the letters until after they were written; and I declare upon my honour, that I do not believe they were concerted; and I do hope that, whatever difference of opinion there may be as to the motives of the step taken, it will be considered that I have vindicated myself and my colleagues from the charge of caballing against our Sovereign.

The motion for the new writs was then agreed to, and the House adjourned.

## NEW ADMINISTRATION.—SHIPPING.

MAY 3, 1827.

On General Gascoyne's proceeding, pursuant to notice, to bring forward his motion on the state of the Shipping Interest, the House was most irregularly led into a debate on Mr. G. Dawson's forced motion, "That copies of the commissions of the Master of the Mint and of the Judge Advocate should be laid on the table." The whole of this proceeding bore reference to the recent change of Administration. Mr. Brougham having, somewhat ironically, seconded Mr. Dawson's motion, spoke at considerable length on the subject. This called forth some explanatory statements from Mr. Canning; after which,—

MR PERL said:—I admit that it would be more regular to pass to the question to which I expected this evening would be devoted; but I must say that I am very far from being satisfied with the explanation of the hon. and learned gentleman, (Mr. Brougham,) as to the principles on which the present coalition has taken place; and yet a proper explanation of those principles involves questions of the greatest importance, and upon the explanation given would depend the degree of confidence which could be properly placed in the present administration. In commenting on the conduct of the gentlemen who now sit on the opposition bench, the hon. and learned member has adopted the same tone of sarcastic remark which characterised his speeches when he himself sat on that side of the House. He has congratulated the opposition on the new tone of asperity which it has acquired; but I must also congratulate the hon. and learned gentleman on the promptitude and facility which he has displayed in employing that tone of sarcasm in favour of the ministry, which he so lately employed against them—at least against the Head of the present ministry. I cannot help congratulating the hon. and learned gentleman on the facility with which he has fallen into the cant by which, as he himself used to say, the supporters of the old administration were so much tainted. But it is a very grave question, whether these gentlemen had not abandoned their principles in the short space of a week, and the subject ought to be treated with another temper. I need not say that I feel no personal animosity against the hon. and learned gentleman. I never did entertain any such feeling towards him, nor do I now. But I am sorry to say that our political differences are as wide as ever, if not wider; for he certainly has not as yet been able to give me a full, satisfactory, and clear explanation of the principles upon which he has contributed to form, and has joined this coalition; and yet a full, clear, and satisfactory account of these matters is, as every one must see, absolutely necessary, before any one can venture to repose confidence in the administration, as at present constituted. What, for example, is to be done with the question of parliamentary reform? Is it to be brought forward, in any specific form, and supported by the new friends of the government; or is it to be postponed until all those shades of opinion can be blended, of which I have this evening heard for the first time? That question certainly was with those hon. gentlemen a common bond of connexion: I do not say uniting every man in its support, but undoubtedly including so many of them, that from it a great parliamentary party took their colour and derived their name. I should have thought that no government that hoped for the support of parliament, would have countenanced so essential a change in the constitution of this House as the party to which I allude calls for. If these opinions be not countenanced by the new government, on what principles then, I ask again, is the question of parliamentary reform to be discussed? Is it to be left as the Catholic question is? I do not say this reproach-



fully, for I know I concurred myself in the arrangement with respect to that question; but I ask will it be suffered to remain still? Those questions must produce the elements of discord in the new administration, unless, indeed, I am to gather, from what the hon. and learned gentleman has said, that parliamentary reform is also to be made an open question; though truly he was not very explicit in his statement. These, however, are points of the utmost importance. I have listened attentively to the speech of the hon. and learned gentleman, but the satisfaction I derived from the explanations he gave, was so far from being complete, that it has, I confess, only increased my anxiety to hear something more of the conditions on which he has agreed to support the new government. When I hear it stated, as one of the grounds of this union, that his majesty was abandoned by his former servants, and that his very prerogative was so put in jeopardy by their secession, that my right hon. friend had no alternative but to apply to his political opponents for their support; if, for the sake of argument, I admit it to be strictly true that on that ground the coalition was formed—that its chief, nay, its sole object, was merging every subordinate point to maintain the prerogative of the Crown, why then, I ask, if that be the ground, is it not declared so at once? Why do they not avow that to be the real reason? Why do they not say that they will forget the Catholic question and parliamentary reform—that they find the prerogative of the Crown in danger, and have rushed forward to defend it? Why do they allow the first places in the state to continue unfilled, like empty boxes waiting for those who have engaged them? Why, I ask again and again, do they not come down to this House, and tell us frankly what are the principles on which they have entered into this coalition? Their conduct, Sir, I repeat, is not satisfactory. It is not suited to the fair dealing and manliness in which this country delights. It does not accord with the principles of the constitution for one party to unite with another, on condition that there should be a period of probation; in order that they may determine whether their principles of action will agree or not. If it be a union of parties, why is it not so publicly proclaimed? Why is not the emergency declared that has rendered this step requisite? If difficulties have arisen which strong and firm minds are wanted to encounter, why are the public offices filled with merely fugacious ministers? In two months—the probable period when the intended arrangements will be completed—the dangers of the time will have passed away, and with them the necessity for this junction will have ceased, if it be founded on the maintenance of the prerogative of the Crown. I am anxious to see the character of party men, and of the great parties in this country, upheld. I should not be glad, certainly, to see the great Whig party in office. They ought, I think, to be excluded from power; but I should be sorry to see their character, as a party, lowered and disgraced. But it will be tarnished, if the principles are not made known on which the union has been effected; and unless a satisfactory explanation of the reasons why that union has been delayed be given, I apprehend that the character of this party will not, for the future, stand very high with the public. I ask again why is this delay? Is it that there are on the Notice-book some inconvenient entries which the members of that party know not how well to evade or erase? What, for example, will they do with the notice of the member for Bandon (Lord J. Russell), for the repeal of the Test and Corporation Acts? This is another important question, which I suspect will display the material difference that exists between the opinions of those right hon. gentlemen, whom I had lately the honour to have for colleagues, and their new allies. If, after the noble lord has consulted with the leaders of the Protestant dissenters, he should be prepared to move for any further concessions in their favour, I give him notice that I intend to oppose him, and that I will always do so, whether in or out of power. That, indeed, is a circumstance of little weight or consideration to me. The most cursory view of my past career will show, that I have been actuated by no ardent desire of office. When I have accepted it, it has always been a personal sacrifice to me. So far as I am personally concerned, I can say truly that I care not whether I return or not. I feel grateful for the confidence of the Crown; but I am, thank God, independent of it. My principles are not changeable with my position. I will adhere to them, through good report and through evil report. It is with these sentiments that I now say, that the points to which I have referred—parliamentary reform, and the motion entered on the Notice-book for the repeal

of the Test and Corporation Acts—and, still more, the Catholic question, have not been explained satisfactorily. I will not deny that I observed myself, that latterly there was between my late colleagues and the hon. gentlemen who have now joined them, on many subjects a close and cordial alliance. But I do protest, that if I had been told, only the day before the recess, that the hon. baronet, the member for Westminster, would have offered himself to the notice of this House the first night after the adjournment, in order to give his active support to a government still divided on the Catholic question—if, after what I have heard the members for Calne and for Knaresborough say in this House, imputing all the evils of Ireland to the existence of divided councils in the government of the country, which, they contended, prevented any firm or consistent course of policy from being pursued;—if I had been told that now, or a few months hence even, they would be prepared to give their sanction to the support of an administration still divided on the Catholic question, I could not have believed it possible. On the necessity of putting an end to that system of a divided government, the resolution of the hon. baronet for the relief of the Catholics was founded. Let the House now look at the sincerity with which these principles had been acted upon. In the new administration, it is true, there is no difference between the Home and Foreign Secretaries of State; but we have a Prime Minister and a Lord Chancellor opposed to each other, and very recently, in almost personal conflict on this very question. Hitherto, we have had the two law officers of this country united in opinion. The present administration has been the first to disturb this agreement, and, by transferring the chief office to an advocate of the Catholic claims, to create a disunion where before it never existed. Should his majesty's Attorney and Solicitor general be now called on to advise the Crown on any measure touching the Catholic Association, suppose it should continue, in what a situation will they be placed? It is a fact—one of the curious events of the day—that these two learned gentlemen have both presented themselves as candidates to represent the University of Cambridge, professing to differ essentially from each other on this question, and founding their claims to support respectively on that very difference. These circumstances are so strange—so extraordinary—that it is not by the sarcasms of the hon. and learned gentleman that the public can be reconciled to them. But, above all, when I recollect the motion brought forward a few weeks ago by the hon. member for Armagh (Mr. Brownlow), from the very place where I am now standing—which motion, deeply affecting the official character of Lord Manners, was supported by the hon. member for Limerick (Mr. S. Rice), who took the opportunity of repeating his conviction, that “all the evils of Ireland were attendant upon that absurd state of things in which a Protestant Lord Chancellor was conjoined with a Catholic Lord Lieutenant in the government of that country,” how shall I now express my surprise when I hear, that the first act of the new administration has been, to prevail on the Lord Chancellor of Ireland to revoke his known intention of retiring from office! With these facts before me, I say that the union of the Whigs with the new administration is an extraordinary coincidence. This is not an occasion on which I can be expected to give expression more fully to my opinions; but as my votes on many questions that will come before me must depend on the degree of confidence I possess in the administration, I feel entitled to call upon them to state, what are the conditions on which it has been formed, particularly with regard to parliamentary reform and the Established Church. I see that the hon. member for Montrose yesterday postponed his motion respecting the Church of Ireland, avowing as his reason for so doing, that he had full confidence in the intentions of the new ministry, though I believe, from the bottom of my heart, that he will find he is mistaken in his expectation of support from my right hon. friend (Mr. Canning), who, I believe, will manfully defend the church against all his attacks. But when I hear the hon. member for Montrose publicly state such a reason for postponing his motion, I must pause before I give any vote of mere confidence to the present administration, until I know what are the principles on which it is founded, as to parliamentary reform and the other great questions of importance: whether they are to be open, like the Catholic question, to free discussion by every member of administration, or whether they who are called by the name of Whigs are prepared to oppose them when they may be brought forward? [loud cheers.]

After a long and warm discussion,—

Mr. Peel again rose, and bore testimony to the correctness with which his right hon. friend had stated the effect of his allusions. While, however, he acknowledged that the right hon. gentleman had set his hon. friend right in this respect, he must contend, that he had a fair right to ask those who had accepted office, under the new government, why they had so taken office? He thought however that, throughout his speech, he had most particularly implied, that he was satisfied his right hon. friend intended to adhere to his principles; and, acting upon his own views of the interests of the Established Church, he still considered that he was justified in demanding of those who had taken office, on what principles they had joined his right hon. friend? In conclusion, he could not help saying that he looked upon the animadversions of the hon. baronet (Sir Francis Burdett), the member for Westminster, as totally uncalled for.

After several other members had spoken, Mr. Dawson's motion was negatived without a division.

## CONSOLIDATION OF THE CRIMINAL LAW.

MAY 7, 1827.

MR. PEEL adverted to what he had stated on a former evening, that he would postpone, from that day, the notices which stood relative to the bills for Consolidating the Criminal Law, in order to give an opportunity to the gallant general (Gascoyne) opposite to bring forward a question immediately interesting to the Shipping concerns of the country. He was now ready to do as he had promised. He had informed his right hon. friend, who had succeeded him in the Home Department, that he was perfectly willing to take any course with those bills that might be consistent with his wishes. He had told him, that he would either continue the management of them through their remaining stages in that House; or, if his right hon. friend chose to take that duty on himself, he would give him every assistance in his power. His right hon. friend thought that, as he (Mr. Peel) had been occupied several months in preparing the clauses, it would accord better with the public interest, as it would probably meet the general concurrence of the House, if he continued to superintend the bills. He assured the House, that he would undertake with the greatest pleasure, both now and at any future period, that, or any other task, having for its object the simplification and consolidation of the criminal code, and the mitigation of severity in the administration of the law. Every exertion he could render for that purpose would be given with the same devotion as if he had remained responsible for the conduct of the Home Department. He should not name a distant day for resuming the progress of those bills, but one sufficiently distant to enable him to have the services, not only of his right hon. friend, but of the Attorney and Solicitor general. He could not avoid adding the expression of the gratification he felt at having received from a noble and learned lord (Tenterden)—at whose elevation to the peerage he cordially rejoiced, and who had contributed so materially to his assistance in framing these bills—a declaration, that, if it pleased the House to send those bills to the House of Lords, he would willingly take charge of them there.—The right hon. gentleman finally named Monday, the 21st, as the day to which he would postpone the orders standing for that evening.

## THE SHIPPING INTEREST.

MAY 7, 1827.

General Gascoyne moved,—“That a Select Committee be appointed, to inquire into the present distressed state of the British Commercial Shipping Interest.”

Towards the close of a long debate on the motion,—

MR. PEEL said, he wished to say a few words in explanation of the vote which he should give upon this question. He was opposed to the proposition of the gallant general. He was not prepared to acquiesce in granting that committee, if it were

meant by the means of the committee to pronounce the condemnation of a system to which he stood pledged. If this motion had been discussed a month since, at the time that notice of it was first given, he should have voted against it as one of the ministry; and the change of his situation had not changed his opinions. But he should rest his vote on other grounds than those of consistency. He thought that no case had been made out which required investigation; and was of opinion, that the appointment of a committee at this moment would be in itself a great practical inconvenience, without producing any practical benefit. There were already sufficient documents before the House, to enable them to form a more satisfactory judgment than could be formed by any private examination of individuals interested, or who believed themselves interested, in the question. Although he felt bound to admit the existence of the distress of the shipping interest, yet he must say, that he thought it arose from the same causes which had produced distress in the other branches of the manufacturing and commercial classes. In the years 1824 and 1825, a great number of ships had been built, in the spirit of that speculation which then universally pervaded the country; and the proportion built then so greatly exceeded the demand, that the necessary consequence was a languor in the trade in the course of the following year. A full examination of the papers to which reference had been made had satisfied him, that every necessary information was in the possession of the House; and that feeling, combined with the fact that a month ago he should have resisted this motion, made him concur with his right hon. friend in giving a decided negative to the motion.

Two or three other members having spoken on the subject, General Gascoyne said, that seeing the feeling of the House, and understanding that the session was not likely to last long enough to enable the committee to do any practical good if it were appointed, he should, with the leave of the House, withdraw his motion.

## THE NEW ADMINISTRATION.

MAY 11, 1827.

In another debate which incidentally arose respecting the new administration, the Marquis of Tavistock having spoken in censure of the conduct of some of the members of the late ministry,—

MR. PEELE said, that he must have extremely misunderstood the noble marquis, if he had not been classed with the two right hon. gentlemen upon whose conduct the noble marquis had commented, not in a very moderate manner, accompanied with personalities and censure, applied to him, because of his separating himself, in an official sense, from the right hon. gentleman, whom yet he hoped he might call his right hon. friend. It was not with any view to office that he had taken his course in the first instance; nor was it on account of his regret for the loss of it that he had spoken on a former evening. So far from his acting as one of a factious and rancorous Opposition, he had come down on the night of the shipping question, to support his right hon. friend, the President of the Board of Trade. He certainly had stated that which he felt to be a difficulty in the formation of the new ministry. When he saw many hon. gentlemen who had been uniformly opposed to government, abandoning, as it seemed to him, their principles, and taking seats behind his right hon. friend, and about to take office under him, he did say, that he must refuse his confidence until he knew of whom the government was to be composed, and what were the measures which gave a cement to the coalition. He expected, naturally enough under the circumstances, that a triumph was anticipated on the two great questions of Catholic Emancipation and Parliamentary Reform. When he heard the right hon. gentleman declare, that the question of Parliamentary Reform would be opposed as before, and that he would not support the repeal of the Test Act, he then felt, that those questions, so far from being in any danger, had obtained, by the accession of their supporters to a government prepared to oppose them, a most signal triumph. What objection, then, could he be supposed to entertain to the formation of a cabinet, which secured the triumph of his own principles? What rancour or personal hostility could he, who had never served for the advantages of

office, feel for the accession of a party to office, upon terms which established his own principles with more safety than ever? What objection could he have to a plan of administration formed on the principle of excluding, by those who before did not agree upon any but the Catholic question? He promised his most zealous support and assistance, in as full a measure as he had given them, to any inquiries into the ancient institutions of the country, with a view to their amelioration and reform. He had not adopted those plans which he had brought before the House because he was in office; nor was he disposed to abandon them because he had quitted it. He hoped he had explained satisfactorily the reasons of the course which he had taken on a former evening. He admitted, that the right hon. gentleman had then explained the terms of the coalition in a perfectly satisfactory manner. He would only add an opinion which he still entertained, that if there were to be any junction of the members of that party to the administration, it was but fair that it should at once take place, that the House and the country might know what they had to expect. He was never more surprised than to find himself, as the consequence of that speech, classed, by the noble lord, as one of a factious Opposition. When he first came into parliament, his right hon. friend did indeed form a part of what he conceived, with great deference, to be a factious Opposition. His right hon. friend must know well, from his experience at that time, what a factious Opposition really was; of what value was its support; and the inconvenience which resulted from its success. He denied the fact, and utterly disclaimed the intention, of giving any thing like a factious Opposition to the present administration.

### SPRING-GUNS' BILL.

MAY 17, 1827.

In the debate on the Lords' Amendments to the Spring-Guns' Bill, Mr. Peel admitted that game, as a source of amusement, was a species of property which ought to be protected, but he was far from thinking that it was justifiable to use means for that protection destructive of human life. Upon that principle, therefore, he had supported the present bill in its progress through the House, and more particularly because it took away that wide arena, which existed of woods and plantations, in which such engines were before permitted. But there appeared to be a broad distinction between the use of spring-guns in uninclosed and extensive grounds, where their deadly effects might be visited upon inadvertent trespassers, and such places as market-gardens, by the security of which from robbers a large class of men obtained their subsistence. When a man inclosed his ground by a wall seven feet high, and thus took the best precaution in his power to exclude trespassers, his case was most undoubtedly different from those where there was nothing to protect but a pheasant, and no safeguard but a fence. He therefore dissented from the Lords' amendment in this respect. And really the House should know that there was no class of men which required protection more than these market-gardeners; for in no place was the police more lax than in the immediate neighbourhood of large towns. Within the towns themselves the police was generally well regulated; but this strictness drove the vagabonds out a few miles upon the roads, about the places where these market-gardens were situated. He had, early in the session, without reference to this question, moved for a committee to inquire into the state of the police near the metropolis; for he had reason to know, that the consequence of having horse and foot patrols in London was, that the bad characters were banished four or five miles out upon the roads. In order, therefore, to an effectual suppression of crime, it would be necessary to place that particular branch of the police upon a more efficient footing. In many places it was most mischievously ineffective. Throughout the whole of that extensive district comprehending Twickenham and Richmond, the peace of the county almost depended upon the individual activity of Colonel Clitheroe. Many of the market-gardens were situated in that district; and, until a better police were set on foot, he thought it not unreasonable that the market-gardens should be protected by spring-guns. At the same time, he thought it would be better if the market-gardeners were called upon to provide for the pro-

tection of their grounds by taking into pay a sufficient number of ordinary constables, who, if they did their duty, would be sufficient for all purposes. He had not the smallest doubt but that, if an investigation took place into the causes of the increase of crime, it would turn out to be closely connected with depredations upon such property. Whilst the amount of great crimes was diminished, the sum of offences against property had greatly increased. This he ascribed to the defective state of the police in the neighbourhood of the metropolis. Until something else should be done, he could not dispense with this species of protection to the market-gardeners.

The House divided: For the Amendment, 23; Against it, 40; Majority against it, 17.

## CONSOLIDATION OF THE CRIMINAL LAW.

MAY 18, 1827.

MR. PEARL, in rising to move the order of the day, for referring the Larceny Laws' Consolidation Bill to a committee, said he ventured to commit a small irregularity, in first moving for leave to bring in a bill, which it was of great importance to have before the House in the consideration of the amendments in the criminal laws of the country. The bill to which he alluded was designed for the improvement of the administration of Criminal Justice, and was not one to which he anticipated any opposition. It proceeded upon the assumption, that every form in the administration of justice which had become obsolete, and not necessary, might, and ought to be, removed. In all the alterations, therefore, which this bill proposed to effect, the substance of the existing law was in no instance affected. The alterations in the contemplation of the bill were as follow. At present, before a prisoner was put upon his trial, and had pleaded "Not Guilty," he was asked, "How will you be tried?" Now, every one who knew any thing of the administration of the criminal laws, knew how unnecessary this form was. It seldom served but to puzzle and confuse; and, in many instances, the answer to the question was such as was altogether inconsistent with the gravity of the occasion. It was expected that the prisoner would answer, "By God and my country;" but sometimes the answer was dictated by levity, such as, "I had rather not be tried at all;" and, frequently, the answer was either suggested by the jailer, or, in the event of the prisoner refusing, was made by him altogether. Now, was it, he asked, necessary to retain this form at all? and was it not consistent with common sense, that when the plea of "Not Guilty" had been entered, the trial might be proceeded with? Acting upon this view, the bill enacted, that when the plea of "Not Guilty" had been recorded, the trial might go on. The next part of the law, of which he would propose a repeal, was that which inflicted punishment on prisoners who, through obstinacy, refused to plead. He would propose, in all cases of treason, as well as of felony, that it should be a general rule, that the prisoner should be considered "Not Guilty." It was consistent with justice, mercy, and reason, that he should be considered so, merely for being mute, rather than otherwise; that his trial should take place, and a verdict of acquittal or of guilt follow, according to the facts proved in evidence. In former times, when prisoners persevered in being mute, the ancient punishment, known by the name of *peine forte et dure*, was resorted to. Although it was sometimes relaxed in practice, yet in cases of treason the continuing obstinately mute was equivalent to a conviction, and two such convictions had taken place, and execution followed: one of these was on a charge of murder, and the other one of burglary; the former occurred in 1777, and the latter in 1793. Now, he thought the extreme sentence of the law was too great a punishment to inflict for this offence; and he submitted that, in all cases, it would be more consistent with justice and reason, and more satisfactory to public opinion, if the punishment were to follow, and to be apportioned to, the evidence given at the trial. Although Mr. Justice Blackstone considered it to the honour of our laws that the *peine forte et dure* was abolished by the statute 12th George III. c. 20; yet, in his opinion, it was necessary to go beyond that statute, which determined, that the standing mute in cases of felony, as well as of treason, amounted to a constructive confession, and to adopt a contrary

rule of entertaining evidence and opportunity of defence on all occasions. The next alteration he would propose, was that which incurred conviction from the party persisting to challenge beyond the number to which he was entitled. In cases of treason, to challenge beyond the number was enacted to amount to legal conviction, and was attended with all the consequences of the accused party being found guilty. In other cases, the challenges beyond the proper number were declared to be null and void. Now, he would propose as a general rule, that those challenges that were made after the proper number was exhausted, should, in all cases, be declared null and void. He would next propose the correction of a great practical abuse; namely, that of pleading a former attainder in plea of an indictment. Now, he would propose, that a previous conviction should, in future, not be a bar to an indictment, unless it were a conviction for the same offence to which the indictment referred. The last change he would propose was, perhaps, the most important one. It was the total abolition of what was called "Benefit of Clergy." This was a most useless and unmeaning form. To every capital offence it was annexed. It was, in fact, a mere mockery, and ought no longer to encumber the statute-book. There were some offences to which "without benefit of clergy" was annexed, in which case immunities were provided for peers; but, as these cases were only two, namely, sacrilege and horse-stealing, he thought, with respect to these two, it was not necessary to observe any particular exemption, and that the abolition of this form might be general, and extend to all cases. In all crimes of a capital nature, where it was intended that the punishment of death should remain, that punishment was to be declared, without mentioning benefit of clergy. When, in addition to the present, the offences against the person and forgery were comprehended, nearly the whole of our Criminal Law would be consolidated. He meant to introduce a clause to prevent the endless repetition of singular and plural, masculine and feminine, &c. This clause had been drawn up by a gentleman from whom he had received the most invaluable assistance in the whole of his undertaking; he meant Sir J. Richardson. He apologized for having trespassed so long on the attention of the House. The bills, last session, had stood for commitment. Under the circumstances which had since taken place, he regretted the delay which had occurred in their progress. He had, however, submitted them to some of the most learned men in the country—men whose talents and experience qualified them to give the best opinions on the subject, and had received from them a number of valuable suggestions.—The right hon. gentleman concluded by moving "for leave to bring in a Bill for improving the Administration of Justice in Criminal Cases."

MR. PEEL afterwards stated, that he had introduced a clause empowering the court, in a case of standing mute, to have a plea of not guilty entered or not entered, at their discretion.

After some observations from the Attorney-general, Mr. Peel said he entirely concurred with the hon. and learned gentleman, that, if the execution of the bill were not good, the principle would be useless. He could only say, that there had been some experience of a bill of a similar description, by which eighty or ninety statutes had been consolidated, and which had now been two years in operation; and yet not a single representation had been made to him of any objection to that measure. He had consulted a number of persons concerned in the administration of the law; and he must say, for the honour of the profession, that he had never met with a member of it who was not always ready to give him every possible assistance and advice. He could name, among many others, Mr. Starkie, Mr. Russell, and others, and all the judges.

Leave was given to bring in the bill.

## LIBELS.—MOTION FOR THE REPEAL OF ONE OF THE SIX ACTS.

MAY 31, 1827.

Mr. Hume, pursuant to notice, moved, "That leave be given to bring in a bill to repeal the 60th Geo. III. ch. 8, subjecting certain publications to the duties of

stamps on newspapers, and to make other regulations for restraining the abuses arising from the publication of Blasphemous and Seditious Libels."

The Attorney-general having spoken in reply to Mr. Hume,—

MR. PEAR said, that no person who had listened to the speech of the Attorney-general could have any reason to complain of the course which he had pursued. It was infinitely more manly to take the straightforward course which the learned gentleman had taken, than to follow the example of the other hon. gentlemen, who were now absent from their places, who had resisted in 1819 the enactment of the bill which the hon. member for Aberdeen sought to repeal. He honoured the Attorney-general for the manliness with which he had declared, that he would not sanction the repeal of this bill without inquiry into its practical results, because he had originally resisted its enactment. If all the gentlemen who had recently joined his majesty's administration had pursued a similar line of conduct, and had stated their reasons for not adhering to the opinions which they had formerly expressed, they would have done themselves more honour than they now did by staying away from the debate, and withholding from the House the sentiments they entertained upon it. At the same time, he would not say that the grounds on which the Attorney-general had resisted the repeal of this act were altogether satisfactory. It was, however, highly satisfactory to those who in 1819 had supported this measure, and who, in common with those who had introduced it from a sense of duty, had been subjected to a load of obloquy—to hear the correctness of that policy now maintained by a learned gentleman who had formerly arraigned it. It was highly satisfactory to see a tardy justice performed to the memory of a noble friend of his, who had been more foully calumniated than any individual with whom he had ever been acquainted. His noble friend, the late Marquis of Londonderry, was the individual who had proposed this act to the House, in common with the five other acts which accompanied it; and for performing that painful act of duty in times of distress, and difficulty, and commotion, his memory had been loaded with every species of obloquy which ingenuity and malignity could invent. He begged leave to remind the House, that some of the measures which his noble friend had then proposed were permanent, and others temporary. The present bill was one of those which were permanent, and not the least strenuously objected to. His majesty's Attorney-general was wrong, very wrong, in stating that this particular bill met with but slight opposition. Not one of the six acts was more pertinaciously resisted than this very act, against the repeal of which he expected that there would that night be an overwhelming majority. The amendments which to the Attorney-general had referred, were not intended, by the movers of them, to reconcile the House to the measure; for it was resisted again on its third reading; and in every shape in which the forms of the House would allow any opposition to be made to it. He repeated his admiration of the manly course which the Attorney-general had that night pursued, in recording his approbation in 1827 of the measure against which he had divided in 1819. He hoped the House would permit him in justice to the memory of his noble friend, the late Marquis of Londonderry, to take advantage of the admission made that evening by his majesty's Attorney-general, and to show from it, that if the practical operation of this act had not been to impose fetters upon the press, and to curtail the general freedom of the subject, his noble friend's memory stood absolved from all the foul obloquy which had been so plentifully bestowed upon it. He was not quarrelling with the Attorney-general for the sentiments which he had that night expressed; but he could not help calling the attention of the House, over and over again, to this peculiar circumstance—that by the vindication which his majesty's Attorney-general had that night offered for his own conduct, was the vindication of his noble friend's political conduct in 1819 rendered complete. His noble friend had been told at the time, that the bill was calculated to repress the rising genius of another Burke, struggling with the difficulties of poverty, and endeavouring by his talents to carve out for himself an honourable name and condition in society. His noble friend had denied that this bill was calculated to produce any such effect. His noble friend was right in such denial; and he had now the satisfaction of hearing his majesty's Attorney-general admit that this bill did not lay any practical restraint on the freedom of the press. Those who proposed this bill had now their vindication, and a vindication which was the more honourable to them, as



it came from the lips of their political opponents. If it were right now, in times of tranquillity, when there was little sedition and blasphemy abroad, and when those who attempted to corrupt the public mind by such publications were comparatively insignificant in number; if it were right now to resist the repeal of this act, was not his noble friend justified in 1819, when attempts were making in all quarters to poison the mind of the lower classes, in proposing a measure, of which the practical operation was admitted to be as beneficial as his noble friend had anticipated that it would be? He begged leave to remind the House of the situation in which the country was at the time when this act was proposed. In 1819, the grand jury of Chester felt it their duty at the close of their labours to present an Address, either to his Majesty or to that House—he forgot exactly which—in which they attributed all the evils which were then desolating part of the country to the efforts which were made to distribute blasphemous and seditious publications among the lower orders. As a proof of the extent to which those efforts were carried, they stated that attempts had been made to corrupt the servants of their families, by the gratuitous introduction of twopenny pamphlets, abounding with sentiments hostile to the institutions of the country, and calculated to sap the principles of religion and morality. If gentlemen would turn over the letters which Sir John Byng, who then commanded the military forces in the manufacturing districts, had addressed to the government, they would see that there had been six attempts made in one week to corrupt the soldiers under his command, by means of these cheap productions. He referred to these circumstances as so many proofs that his noble friend, the Marquis of Londonderry, was justified in imposing temporary restraints on the freedom of the subject, and permanent restraints on the licentiousness of the press. He had now had the satisfaction of hearing the permanent operation of those latter restraints defended by those who had originally opposed them; and, as his object was answered by calling the attention of the House to that fact, he should sit down, happy that an opportunity had been afforded him to do justice to the memory of his late noble colleague, and to rescue it from the dishonour with which the malice of his enemies had endeavoured, but in vain, to overwhelm it.

The House divided: Ayes, 10; Noes, 120.

## TURNER'S NULLITY OF MARRIAGE BILL.

JUNE 6, 1827.

A bill “to declare void an alleged marriage between Ellen Turner, an infant, and Edward Gibbon Wakefield,” being brought from the Lords,—

MR. PEEL said, he rose to move the first reading of a bill which had come down to that House from the Lords, the object of which was, to afford a very unusual remedy for a wrong of, he was happy to say, very rare occurrence. The object of the bill was to declare null an alleged marriage between Miss Turner and Edward Gibbon Wakefield. The circumstances of this case were so notorious, that it would be unnecessary to enter into a detail of the arts, the fraud, the forgery, and the villainy, which had been practised; and in consequence of which, the peace of a most respectable family had been, for a time, disturbed. This, it was well known to most who heard him, had not been done to gratify any other passion than avarice—to gratify the basest avarice by the basest means. The chief agent in this detestable offence was then enduring a punishment by no way adequate—entirely disproportioned—to his offence. The sentence which had been pronounced on him was a strong proof of the imperfection of human legislation. Three years’ imprisonment fell very short indeed of the punishment which ought to follow such a crime. Hundreds of delinquents, much less guilty than Wakefield—without the advantages of education which he possessed—had been convicted of capital felonies, and had forfeited their lives. The object of the measure sent down by the Lords was, to prevent further injury from being sustained by that family which had already so cruelly suffered; and he was persuaded there would not be the slightest hesitation on the part of the House in assisting to make the only reparation which the injured parties could receive, by clearing up all doubts on the subject at issue. In point of

fact, the circumstances of the case were such, that nothing but a legislative proceeding could fully relieve them. Miss Turner could not appear in an Ecclesiastical court; because she could not be allowed to give the evidence necessary for the establishment of her suit. On the trial of Wakefield her evidence was admissible; because that trial was a criminal proceeding on the part of the Crown. But, in an Ecclesiastical court, Miss Turner would be considered as a witness who had an important interest in the result of the trial, and the court would not receive her evidence. Under these circumstances, the House would not hesitate in giving her that relief which a court of law could not give. But he would own that, if Miss Turner were not competent, after the injury she had sustained, he, for one, would not hesitate to supply this extraordinary remedy to such a case of extraordinary injustice. He begged the House to consider that the young lady had attained only the age of sixteen; and he would ask, what gentleman would turn round and bid her apply to Ecclesiastical courts for that assistance, for which she now applied to the House of Commons? If that were to be the answer, she would find herself, in the first instance, compelled to apply to the Consistory court. From this an appeal would lie to the Court of Arches; and thence the applicant might be obliged to resort to the Court of Delegates. The conduct of Wakefield was a sufficient proof that the detestable avarice which had induced him to perpetrate the crime, would prompt him to avail himself of these dilatory proceedings, to postpone to the utmost the termination of the transaction. He might be able to do this for three years. In the interim; he would take advantage of any accident that might arise, to harass the suitor, or benefit himself. The circumstances of the case were, in every respect, so extraordinary, that it would be unjust to expose the party to any risk of having the most perfect justice denied or delayed. Independently of the personal interests of the party, there were circumstances which were well worthy the consideration of the legislature. He alluded to the state of the law of Scotland with respect to marriages. In the course of the trial of Wakefield, it was held by the sheriff depute, that, notwithstanding the gross fraud practised upon Miss Turner—notwithstanding the fact that, if the marriage had been completed in England, Wakefield would have been exposed to capital punishment—still the contract was valid according to the Scotch law. That witness went so far as to say, that in Scotland no fraud in either of the contracting parties would warrant the Scotch courts to set aside a marriage. If this were so, it did appear to him that some effectual remedy should be speedily provided. But that was a matter of consideration to be reserved to a future opportunity. He trusted that the House would give to the injured party the remedy she asked for. There was a direct precedent for such an act. He was happy to say it was so remote as one hundred and forty years' standing; in 1690, there was a precedent of an act, which dissolved the marriage of Miss Wharton with the brother of the Duke of Argyle, under circumstances not altogether dissimilar. In that precedent alluded to, the act had originated in the Commons; and being passed by the Lords, the marriage was set aside. It was nearly fifteen months since the crime of Wakefield had been perpetrated; and it was desirable that the sufferings of the injured parties should be relieved. The expenses of Mr. Turner in bringing the parties to trial, had been little short of £10,000. The expense, however, was the lightest part of the consideration. The dreadful anxiety to which he had been exposed was more to be commiserated. The House would bear these things in mind; and would reflect how much the evils would be aggravated, if, by a refusal of relief, they sent the case to be argued for three years in a court of law. They would surely give this young lady redress, rather than let the villainy of Wakefield triumph.

The bill was read a first time.

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## THE CORN LAWS.

JUNE 18, 1827.

The House having resolved itself into a Committee, to consider of the Acts of 1815 and 1822, respecting the Corn Laws, Mr. Western moved the following resolution:

“That it is the opinion of this commission, that so much of the Act of the 3rd

Geo. IV., cap. 60, relating to the importation of corn as renders the provisions of those acts dependent on the admission of foreign wheat for home consumption, under the provisions of the Act of the 55th Geo. III., cap. 26, should be repealed.

"That the Scale of Prices at which the home consumption of Foreign Corn, Meal, Wheat, or Flour, is admitted by the said Act of 55th of Geo. III., shall cease and determine; and that henceforth all and every the provisions of the said Act of the 3rd Geo. IV. shall be in force the same as if they had not been made dependent upon the admission of Foreign Wheat for home consumption under the said Act of the 55th Geo. III."

Mr. Canning moved as an amendment, "That it is the opinion of this Committee, that any sort of Corn, Grain, Meal, or Flour, the produce of Foreign Countries, and now in Warehouse, in the United Kingdom, or which may be reported to be Warehoused, on or before the 1st of July next, shall be admissible for home use at any time before the 1st of May, 1828, upon payment of the Duties following." (These were the duties imposed by the Bill of the present session, passed by the Commons.)

MR. PEEL said, that the only circumstance under which he could be induced to give his vote in favour of the proposition of the hon. member for Essex, would have been the belief that it was the determination of government not to introduce any other measure during the present session. Had that been the case, he should have considered the proposition of the hon. gentleman as one which was calculated to amend a great blot in the existing system of the law; and although he was not satisfied with it, and although he believed that it went to establish a principle which ought not to be established, he should have preferred it to the present state of the law; as he thought it impossible to retain in actual operation a law which prohibited the importation of foreign corn, until the produce of our own country had risen as high as 80s. Had no other proposition been made to the House, he should have voted for that of the hon. gentleman, because he conceived some change in the present system absolutely necessary; but as the amendment proposed by his right hon. friend was founded on the bill which had passed that House, he preferred it to the partial proposition of the hon. gentleman; and therefore, not only on the ground of consistency, but because he preferred his right hon. friend's amendment, he should vote for it. He should follow the example of his right hon. friend, in not mixing up with this discussion matter which was really foreign to it. At least such had been the rule which his right hon. friend had laid down at the commencement of his speech, but which, no doubt unintentionally, he had, in some parts of it, violated. It was his opinion, that no more unwise course could be pursued by any party, than to connect political questions of any sort with the question of the Corn-laws, which ought to be discussed independently of any other matter. "If," continued the right hon. gentleman, "any gentleman should think that the amendment proposed by my noble friend, the Duke of Wellington, in the House of Lords, was connected with any purpose of a political nature, or still less with any purposes of party faction, I declare, upon my honour, that I believe such an impression to be totally erroneous. I believe that my noble friend, having supported government in the early stages of the bill, and having voted for its second reading, when its principles were discussed, proposed his amendment with a sincere desire to promote that which he understood to be the real object of the bill, and to remedy a defect which he thought he perceived in it. I believe that he made his proposition on a misconception of what had passed between my right hon. friend (Mr. Huskisson) and himself; and that, when he made his suggestion, he really thought the suggestion was not dissented from by that right hon. gentleman. I say I believe this, because, if the noble duke intended to have made that amendment the means of an opposition to the government, I do think that I should have heard of it previously; and that the first intimation I had of the amendment would not have been on the morning of the day after that on which he had carried it." The right hon. gentleman then proceeded to comment on the claim which the Chancellor of the Exchequer had set up for the privileges of the House of Commons; and observed, that while his right hon. friend claimed for that House the full and free exercise of its privileges, they ought to give equal freedom to the other. However, so anxious was he to avoid saying any thing that might produce acrimonious feelings, that he should abstain from making any further observations upon that part of the subject, and should confine himself entirely to the discussion of the question

immediately before them. On that question the course he should adopt was taken up with no other consideration than what he believed to be for the permanent interest of the people of this country. He must, however, remind the House, when they objected to the opinions of others upon this bill, that they themselves had deemed it necessary to make alterations in the bill since its first introduction. He was sorry to hear that what was to be done now was to be only a temporary measure. He wished that it had been thought possible to have introduced, at this time, a Corn-bill in such a form as would enable them to render it permanent, and that the right hon. gentleman had not taken the amendment to be so important as to destroy the bill. The amendment might have been important enough to prevent the government from carrying the bill, so amended, through the House of Lords; but he would ask, whether it were so much so as to prevent the right hon. gentleman from doing that which might have amounted to an honourable compromise between the two Houses? He thought that such was the importance of the discussion that was to decide the price of corn, and to settle the question between landlord and tenant, that even if the session should be protracted to the end of July, he should think the time was well consumed in finally disposing of the subject. He thought it would be infinitely better, both for the agriculturist and manufacturer, if between those two, as between the two Houses of Parliament, an honourable compromise could be effected. He was not the advocate of one or the other; and he thought that those persons showed the greatest wisdom, who manifested no particular or exclusive partiality for either; especially as he believed each of those classes would best promote its own interest, by showing respect to the wishes and interest of the other. On the ground of his own consistency, but, beyond that, on the ground of the preference he really entertained for the amendment, he should give it his decided support.

MR. PEAR, in reply to Mr. Baring, said, he was at a loss to reconcile the whole tenor of the hon. member's speech with the declaration with which he had prefaced it, of the veneration which he felt for the illustrious Duke, and the indelible sense he professed to entertain of the immense debt of gratitude which his country owed him. What violence, then, must not the hon. gentleman have done to those feelings, when, so soon after their expression he could, on the anniversary of the Battle of Waterloo, have suffered himself to have attempted to cover the noble Duke with ridicule, for an act which he had done in the honest discharge of what he felt to be his public duty. He conceived it to be no part of his duty, on the present occasion, to vindicate the Duke of Wellington's clause in the corn-bill. What he had stated earlier in the evening was, that he was prepared to vindicate the illustrious person himself from having been actuated by any party feeling in the step which he had taken; and this he was prepared to do, not because the noble Duke could not have taken any step he pleased without his concurrence, but because he was on such terms of confidential intercourse with him, that he knew the Duke would not have done a formal political act without at least having apprised him of it, were it intended as a party proceeding; and he had never heard of the introduction of this clause, until the morning after it had been submitted as an amendment. But really, when the hon. member thought fit to exercise his talents for ridicule, he should have taken care that when he meant to heap it upon the noble Duke, he did not in an equal portion level it at his right hon. friend who sits under him (Mr. Huskisson). The history of this proceeding must, however, be known, to remove this attempt to cast obloquy upon a public character who had achieved such glorious services for his country, and who on this day at least, if on no other, ought to have been spared the necessity of requiring such an explanation. The Duke of Wellington had been a member of a committee which had sat to enquire into the price of grain for shipment at foreign ports, and the price at which it could be imported into the home market. The result of that laborious investigation had created—right or wrong he was not now to argue—an impression on the noble Duke's mind, that the warehousing system, as at present constituted, gave a power to certain speculators in the article, so to practise upon the averages as to make them available for the speculations in the market. And his noble friend's object in proposing the clause was to throw an obstacle in the way of such dexterous movements for sinister purposes, and to give a preference to corn directly imported in ships, to that which had been previously bonded. This was not an alteration which introduced any new principle; for in fact it had prevailed in

the construction of the Act of 1791. Why, then, was his noble friend to be assailed with ridicule for having revived a principle which had already received the formal sanction of the legislature? The hon. gentleman, he repeated, seemed to forget that if ridicule must be applied, it equally attached to his right hon. friend (Mr. Huskisson) for the individual assent which he had given to a part of the alteration. His right hon. friend's opinion was originally called for by the noble Duke on a proposition, that no bonded corn should be taken out of the warehouses until the parties who had previously bonded theirs had expressed their consent. His right hon. friend had very properly objected to such a proposition, but had added, that if the prevention were merely to extend to the importation of foreign corn until the home price was 66s., he could have no objection individually, though he feared it would be fatal to the bill. Now, all the objections of the hon. member would apply equally to this alteration as well as to that of the noble Duke. His sole object was to vindicate the Duke of Wellington from the aspersions which had been cast upon him. He was exceedingly sorry that an individual who had acted, as his noble friend had acted, from a firm belief that he was not departing from the original proposition of the clause, should have met with such treatment. His noble friend might naturally have supposed, that a similar mode of proceeding might be taken with respect to this measure, as had been taken, under precisely similar circumstances, with respect to the Canada Corn-bill. He was quite sure that his noble friend acted under the impression, that though the bill might be rejected, yet the country might have the benefit of some permanent measure on the subject. His noble friend did vote in favour of the principle of the bill, and had not attempted to violate the principle of it. He believed that his noble friend had acted throughout with that fair dealing, and with that singleness of heart, for which he was as much distinguished as for those great and glorious military achievements, which had spread such lustre over the arms of this country.

The committee then divided: for the original motion, 52; for Mr. Canning's amendment, 238; majority, 186.

## ROYAL COLLEGE OF SURGEONS.

JUNE 20, 1827.

Mr. Warburton having presented a petition from certain members of the Royal College of Surgeons, complaining of the regulations of the College, moved for a return from the College of all public money lent or granted to the College from 1799 to the present time, for the purchase of the Hunterian Museum, and for building, purchasing, repairing, and improving the said College, with the appropriation and expenditure thereof: the regulations under which the members and students are admitted to the Hunterian Museum, and to the Library of the College: the numbers of persons examined for practice in surgery: and an account of all moneys received by the College in 1825 and 1826, on account of the members,—

MR. PEEL said, he was bound to declare, in justice to the Heads of the College, that he had found them willing to remove every evil of which the petition complained. With respect to the refusal to admit the members to enter through the private door, he had advised that the cause of complaint upon that point should be removed, and which was accordingly done. He had also given it as his opinion, that there ought to be a public account rendered of all fines and moneys received for admissions. A very able person was employed in drawing up the catalogue, which would be soon published, and in the meanwhile his time could not be abstracted too little, by the admission of strangers into the Museum. He believed that foreigners and strangers were admitted at all times; and when the catalogue was finished, the days of admission would be four out of the six in each week. The examinations of students were not in private. The students considered the examination to be very severe; and many of them were rejected. The destruction of the manuscripts had never been sanctioned by the Council of Surgeons. An individual had conceived himself justified in destroying these papers, conceiving it necessary for the fame of Mr. Hunter that they should be made away with. The Council had no power to prevent the destruction; and therefore were not responsible for what had been done. They

had made application, in order to recover the remainder. Many surgeons of the first eminence, such as Mr. Brodie, Mr. Travers, Mr. Earl, Dr. Babington, Mr. Stanley, and Mr. Davis, approved of the conduct of the college of surgeons. He allowed that the petition was signed by many persons of the highest professional character, though he had declined presenting it, as there were many parts in which he did not agree. With respect to anatomy, that science could not be pursued without a due facility of obtaining subjects, or dead bodies. Wax, leathern, or wooden figures, were found to be inadequate to the object. The difficulty of obtaining bodies was increased by the prejudices of the lower orders, whose feelings were outraged at the idea of submitting dead bodies to dissection. The subject was well deserving consideration; for, as the law now stood, it was of serious injury to a science most important to human life. Young men designed for the profession, instead of pursuing their studies in London, Edinburgh, or Ireland, uniformly proceeded to Paris. The law which enacted that the body of the murderer should be given up for dissection, tended to create a prejudice in the minds of the lower orders against any human body whatever being used for that purpose. He would not wish to alter the law in this respect; but it might be proper to bring in a bill which should provide, that all persons dying under any execution for felony, should have their bodies given up for dissection. There were between four and five thousand persons under commitments for felonies; and he thought that all who died in jails, or on board the hulks, under such circumstances, might be given up to be anatomized. If this were considered an addition of punishment, he should be glad of it, as it would tend to prevent offences; if it were considered otherwise, there would be no hardship in it. The price of a subject in Paris was only about twenty francs, or fourteen shillings; whilst in London it had been as high as sixteen or eighteen guineas.

The motion was agreed to.

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## STATE OF THE COURTS OF COMMON LAW.

FEBRUARY 7, 1828.

Mr. Brougham, at the close of a speech of extraordinary length, the report of which occupies more than sixty pages of print similar to the present, moved "That an humble Address be presented to his Majesty, praying that he will graciously be pleased to issue a Commission for enquiring into the defects, occasioned by time and otherwise, in the Laws of this realm of England, as administered in the Courts of Common Law, and the remedies which may be expedient for the same."

The Solicitor-general, after a few brief observations, intimated that, to allow time for consideration, he should move that the debate be adjourned.

To this proposition Mr. Brougham assented.

MR. SECRETARY PERL (who had been reinstated in office on the 25th of January, under the Duke of Wellington) then rose and said,—

I cannot, Sir, allow the present occasion to pass without offering a few words. I rejoice that the hon. and learned member concurs in the propriety of the proposal for an adjournment; and it will render it unnecessary for me at present to enter into any detailed discussion. Independently of those difficulties under which, under any circumstances, I must have laboured, from want of professional knowledge and professional habits, I am sure the House will readily believe, that the occupation in which I have been engaged for the last few days, has tended still further to incapacitate me for the task of discussion at present. I can only speak, therefore, rather of the spirit in which the proposition is made, than attempt to follow the hon. and learned gentleman, who has gone through his great subject with such patience and investigation, and such ability of illustration. I fully concur in the opinion, that it would be unwise to arrive now at a precipitate but conclusive vote; and I think the hon. and learned gentleman must himself perceive, that the terms of his motion are so general, that it is impossible from thence to form any precise notion of the nature of the reforms which he would introduce. I do not mean to quarrel with the generality of those terms; but until the explanation of to-night, speculation as to their precise object was rather calculated to mislead. Hence an additional reason is

afforded for not calling upon the House at present to express any distinct opinion. The hon. and learned gentleman's notice referred to certain reforms in the law, and its administration in the courts, as time had rendered necessary or as experience had shown to be expedient; and to the principle of such reforms, I am almost the last person in the House to object. I have myself attempted to proceed upon it in the amelioration which I have attempted of the Criminal Law. I found benefit of clergy and various other institutions—no doubt, wise at the time they were introduced—unfit for present circumstances, and that a change was necessary. I did not hesitate to propose that change; and for this reason—I could not hold prescription as a sufficient ground why we should not enquire, calmly and deliberately, what alterations experience had proved to be expedient.

Into all the latter part of the hon. and learned member's speech, I profess myself wholly unable to enter; but upon one or two points connected with the constitution of our courts, I will say a few words. I am now prepared to express my approbation of the principle of much that fell from the hon. and learned member. He adverted, among other things, to the propriety of equalizing the business in the three courts of justice; and he pointed out the advantages to be derived, if the courts of Exchequer, Common Pleas, and King's Bench, could be really and practically put on an equality, as to the transaction of business. Surely every one must concur in the principle, if it can be carried into effect. As to the mode in which that principle can be so carried into effect, I am not prepared to express an opinion. The hon. and learned member also referred to the sort of monopoly established in the court of Common Pleas, by confining the practice to serjeants. I believe that point has engaged the attention of the present Lord Chancellor, and that the eminent judge who presides in that court is not indisposed to a change.—Again, as to the Exchequer, where, it seems, the power of instituting a suit is confined to the clerks of the court—guarding against injury to vested interests, it may be very fit to enquire whether it would not be right to open a more extensive system of practice. I am quite sure the House will perceive, that the fear of doing injury even to vested interests ought not to prevent it from adopting important improvements. Compensation may be granted, or the vested interest may be permitted to expire with the life of the present holder of any appointment; but this consideration ought not to obstruct any necessary or wholesome reform. Still less am I inclined to show any peculiar attachment to the number "twelve" for the judges; or to resist any proposition for an enquiry whether they ought not to be increased, for the better administration of public justice. I believe there have been periods when the number of judges was more than twelve, and it may, for aught I know, be very fit to revert to that practice. The hon. and learned gentleman certainly mistakes my view, if he suppose I am disposed to show peculiar attachment to the particular number at present existing, even if in former times that number had not been greater. But I am unwilling, Sir, that the House should now express any positive opinion upon this point. If I understand the hon. and learned gentleman right, he would add one judge to the court of Common Pleas, and one to the court of King's Bench, making five to each court; and he would cause the judges who did the out-of-door work to be placed in rotation. If this were not the case, I should have a strong objection to any measure which went to make any one judge less respectable than another; and I could never consent to make, in any manner, one of those judges who are to preside in a criminal court less respectable—[Mr. Brougham said, across the table, it was his intention that the judges should take the out-of-door work in rotation]. I therefore, Sir, shall not object, if the judges cannot now get through the business, that it should be facilitated by having five judges in a court.

There is another point to which I will refer, and one on which, I am afraid, I should be induced to differ from the hon. and learned gentleman. He recommends that the judges should be paid by fees; but I much doubt the wisdom of this opinion. The learned gentleman says, he would control the fees, and give the judges only a certain and a qualified interest in them, but sufficient to secure their attention to their duty, and to promote the despatch of business. But I am disposed to think, that much of the deference paid to the judges depends on their dignity; that much of the impression which they make on the public mind, much of the respect paid them by the people, particularly by the lower classes of the people, depended on the

opinion of their purity. I should be sorry to hazard this, by giving them an interest in despatching causes; and I think the advantages which might be obtained by procuring a little more despatch of business, would not be compensated by the evil arising from giving the judge an interest of any kind in causes. The judge would either be induced by it to do more business, or he would not; if he were not induced to do more business, no advantage would result from the change; if he were induced to do more business, it might be suspected that he made too much despatch, and that impression of respect which he now excited might be lost. Might not the party who was dissatisfied with his decision think his case had not been sufficiently enquired into?—that it had not engaged enough of the judge's attention, who had been more eager to obtain fees by the despatch of business than to do justice? I think, Sir, under the present system, the substitution of fees for a salary to the judges, would not answer the learned gentleman's expectations; and that the only advantage arising from it—the despatch of a little more business—would not compensate the evil of the impression which would be made on the minds of the public by the judges taking fees.

There is another point, Sir, on which I cannot agree with the hon. and learned gentleman. He argues for a strict adherence to the rule, that a puisne judge should not be promoted to a higher seat on the bench. I agree with him, Sir, that as a general rule it is a good one; but if it were invariably and rigidly adhered to, it would sometimes lead to the commission of great injustice towards individuals, and inflict a serious injury on the public service. To say that a puisne judge, however uprightly he may conduct himself, however high may be his character for independence and honour, however much he may adorn the judicial seat—to say that such a man was never to be promoted, is, in my opinion, neither wise nor just. I agree with the learned gentleman, that to promote a puisne judge on account of his subserviency to the Crown, would be an erroneous proceeding; but I cannot agree with him, that we ought rigidly to adhere to the rule, never to promote a puisne judge. It does so happen, Sir, that in the speech which the learned gentleman has just delivered, the two judges on whom he has passed a just and well-merited panegyric—Lord Tenterden, whom he has characterized as one of the ablest judges that ever presided in the court of King's-Bench, and Chief Baron Thompson, who has gained the respect of every man; it does so happen, Sir, that these two judges, the only two referred to by the hon. and learned gentleman, were promoted from being puisne judges. Would it not have been an injustice to those excellent men, and would not the public service have suffered a serious injury, if those judges had not been promoted; particularly in the case of Lord Tenterden, who had not risen to such eminence as an advocate as to have it necessarily inferred that he was to become an eminent judge? The hon. and learned gentleman's own instances show that an invariable adherence to the rule which he recommends would operate as a hardship on individuals, and be a detriment to the public.

With respect to fixing the terms, so that the holidays and the times of business shall recur periodically; there are two terms already invariable, and I do not know why we should not have four. I do not know why members of parliament should not be able to foresee when they must attend their business in the country. I see no reason for adhering to a system which makes two terms moveable, and two fixed; and I think it would be advisable to make all the four fixed. For why should we have two fixed, and two dependent on the moon?

Another point to which the learned gentleman has referred is the salary of the judge of the Admiralty court, which in peace is only £2,500 per year, and in war, may amount to between ten and eleven thousand. Now, Sir, I do not know why the fees of these judges should not be abolished, and an equal salary given them, both in peace and war. The public will not suffer by that change, and the judge will not be injured. There is another point on which I will just say a few words; namely, the number of appeals before the Privy Council. No doubt the learned gentleman has drawn his information from papers laid on the table of the House; but I think he has drawn an erroneous conclusion as to the delay of business, and the quantity of business not transacted, from those documents. He thinks that not more than forty cases out of the five hundred and ten appeals which have been made from the East and West Indies, and from Guernsey and Jersey, have been decided. The



learned gentleman has collected this information from the returns; but those returns include all the cases which have been compromised or settled abroad, and, being left on the list, lead to an erroneous conclusion. The five hundred and ten cases also included appeals from Guernsey and Jersey, which were only for summonses. In many of those which are sent from the East Indies to this country, there is no agent appointed to carry them on, and they cannot be brought forward for decision. I admit that the appeals from the East Indies are of very great importance; and the practice of carrying them before the Privy Council is one which may require examination. Out of the appeals made to the Privy Council since 1800, eighty-two have been from the East Indies, and in fifty-three of them no agent has appeared on either side. In sixty-seven instances no case has been drawn up either by the appellant or appellee; thus of the eighty-two cases nominally before the Privy Council, in sixty-seven there was no case submitted to it, and it was impossible that it should proceed to adjudication. When cases are not complete, the council has no means of proceeding. The native of India, perhaps, does not know that it is necessary, in sending an appeal to this country, that he should appoint an agent: he does not know, perhaps, the means of carrying on his appeal; which makes the whole subject of considerable importance, and deserving of attention and enquiry.

There is another point in the learned gentleman's speech to which I wish to refer; namely, that which relates to the appointment of justices of the peace. The learned gentleman doubts the propriety of the appointment being made at the recommendation of the Lord-lieutenant, or rather of the *custos rotulorum*; to whom the recommendation, in fact, belongs. But it is not possible for any authority in this metropolis to appoint justices of the peace for distant places, without the recommendation of some local authority; and it does appear to me, that the nobleman who is *custos rotulorum*, being generally also Lord-lieutenant, is the most unexceptionable officer we can have to give such a recommendation. The duty must be devolved on some local authority, and I think no better than that of the *custos rotulorum* can be devised. If the opinion of one gentleman or nobleman, responsible like a Lord-lieutenant, could be obtained, in the recommendation of magistrates for Ireland, that would, I think, be much better than the present method, by which the Lord Chancellor of Ireland has to collect the opinions of several individuals. Any member of the Privy Council may recommend us a gentleman as justice of peace in Ireland. Formerly, the Lord Chancellor asked the members of the county to recommend justices; but that practice is altered, and I am disposed to think, as we must have the recommendation of some local authority, that no better than that of the Lord-lieutenant and *custos rotulorum* can be devised.

With respect to the licensing system, to which the learned gentleman has referred, he does not seem to be aware that a bill was brought into this House last session, though it was not passed, for checking abuses in that system. It is generally found, I believe, that the abuses of that system are more prevalent in large towns and in their neighbourhood. The brewers, at least, generally reside in large towns; and there lies their influence. Now, one of the provisions of the bill, to which I have alluded, was to provide a remedy for this evil; which it did by giving, wherever the magistrates of such towns had an exclusive jurisdiction, the county magistrates a concurrent jurisdiction, as far as licensing was concerned. I admit, that the system requires correction; and the bill of last session was only postponed to give a fuller opportunity of discussing the measure and finding out the best means of facilitating justice, by introducing publicity into the licensing system.

The learned member, Sir, has referred to one of the bills which I introduced last session, which regulates the fees of the magistrates' clerks, and which he accuses of adding to contention. That bill gave direct authority to the magistrates on the bench to refuse costs in cases of assault. I abstained from giving expenses in cases of assault, precisely because I would not encourage frivolous proceedings. If it be right to give costs in cases of rape, I see no reason why they should not be given in cases of attempt at rape. The distinction which formerly existed was between felony and misdemeanour; and the bill gave authority to the magistrates to allow parties their expenses in such cases of misdemeanour as they might think fit. I have heard no complaints of that law. If I had, I should have no objection to have it altered.

I have heard, Sir, with satisfaction, that all the bills which I introduced have

worked well; and I hold in my hand the five acts which I introduced comprised in one small volume; and it contains not only an enumeration of all the acts which those five acts repealed, but the substance of what was before spread over one hundred and thirty acts of parliament. In this, Sir, I find great encouragement to proceed; and I do not despair of effecting great good of the same kind, from seeing the small compass into which those hundred and thirty acts have been compressed. With the exception of the observation of the learned gentleman, I have never heard the least complaint of those five acts. They have now been in operation for nine months, and they have not given rise to any doubts concerning their meaning. I was told at the Home Office, during the administration of Lord Lansdowne, that no complaints had been made, and that there was nothing in those laws which called for correction. I say this, not taking credit to myself, but giving it to those gentlemen who were employed about the technical parts of the bills, and by whom they were, in fact, prepared.

The learned gentleman has also referred to the appeals from the magistrates. To his observations on this point, I reply that I gave the power of appeal from all convictions by one magistrate, however small the sum; and I gave a power of appeal from the decision of two, whenever the fine amounted to £5, or the term of imprisonment exceeded one month. I have been desirous to make these few observations, Sir, on the more popular parts of the learned gentleman's statement. The remainder of his observations, relating to real property, and to the various legal points connected with it, is so full of technical details, that I am not prepared to enter into a consideration of it, and I wish to avoid pledging myself—I wish the House to abstain from pledging itself—to come to any conclusion, until after a few days' consideration. It is necessary to take time for consideration before we can decide which are the most important points, in the many things to which the learned gentleman has alluded, for a commission to take up. If every thing mentioned by the learned gentleman were to be referred to a commission, I am inclined to think that his object would not be obtained; for a commission would be confused and overwhelmed by the multiplicity of the objects. The learned gentleman has evidently brought forward his motion, not with the view to subvert, but to improve the law; he has taken the wise course of pointing out its evils, many of which I do not deny, and he seeks a practical remedy. The manner in which he has brought forward his motion is well calculated to gain favour for his proposition; but, before I agree to it, I wish to have time to consult those who, from their station and attainments, are best qualified to judge—I mean the Lord Chancellor and the Attorney-general; and I trust the learned gentleman will give us a few days to take into our consideration the various subjects which he has brought before the House. Should he then find that we are not prepared to go his length, he may appeal to the House. I can assure the learned gentleman, that in asking for delay, I do not wish to defeat his object, nor to deprive him of that honest fame which is due to him for having originated such a motion.

After a few remarks from Mr. Wynn and Mr. Brougham, the debate was adjourned till the 22nd instant.

## NAVY ESTIMATES.

FEBRUARY 11, 1828.

On Sir G. Cockburn's moving that the House should resolve itself into a Committee of Supply, in which it was his intention to ask for a vote of seamen for six months, and not for the whole year, Mr. Maberly objected to such a proceeding, as it was a departure from the course which had been adopted in the year 1817, at which time, as at present, a Finance Committee was about to be appointed.

MR. SECRETARY PEEL, in reply, said, he certainly had no right to complain of the observations of the hon. gentleman. The ground he had taken was a perfectly fair parliamentary ground; but he entreated the hon. member to hear him, and he thought he would see that his objections were not so strong as he appeared to think them. The estimate was founded upon the number of men which it was thought

necessary to maintain for the service of the country. It was the province of the sovereign to state that number to the House; and the only vote that the House would be called upon to pass would be, for the wages and victuals of these men, not for the whole year, but for six months; in order that, if the committee of finance found it necessary to make any alteration in this part of the expenditure, they might do so the more easily. Now, in this the precedent of 1817 had been their guide. In 1817, the vote had been asked for a few days later than it was now, because, to defer it, would be to inconvenience the public service. As to the precedent of 1817, it had been followed in every respect, with the exception that the names of the persons were not known. The hon. member had stated, that he could not have confidence in him, because he had long been a member of government, and had never brought forward any motion of this kind. This, however, was inaccurate. It so happened that he was a member of the government in 1817, and that he also was a member of that finance committee; from which it would seem that he was by no means adverse to such enquiries. But he would tell the hon. member, that the question of appointing a finance committee had been agitated in Lord Liverpool's cabinet, and if that nobleman had continued at the head of the government, such a committee would actually have been appointed. As matters now stood, what had been his conduct? Why, the very day he had taken his seat in the House, he had given notice of this motion.

The House having resolved itself into a committee, the vote for 30,000 seamen, including 9000 marines, was carried, on a division, by 48 against 15; majority, 33; as was also the next resolution, "That £1,579,000 be granted for paying and victualling the said men."

## THE COURT OF CHANCERY.

FEBRUARY 12, 1828.

Mr. M. A. Taylor moved for "An account of the numbers of rehearings and appeals; of the number of causes; of the number of pleas and demurrers; and of the number of bankrupt petitions before the judges of the Court of Chancery, on the 1st day of Hilary term, 1828."

In the debate which followed,

MR. SECRETARY PEEL said, he was of opinion, that it was desirable to postpone any discussion of the question, until the papers moved for by the hon. and learned gentleman had been produced. So far was the Lord Chancellor from having abandoned the principle of the bill which he had introduced into that House, that it was his intention to issue forty or fifty orders founded on the recommendations of the commission. In his (Mr. Peel's) opinion, it was better to look forward to future amelioration, than to revive the discussions to which the report of the commission had given rise. He certainly, however, could not think that the composition of that commission had been objectionable because there were persons belonging to it who were unconnected with the court of Chancery. Had it been otherwise, he was persuaded that an objection would have been made to the constitution of the commission, and that the usefulness of having persons upon it who were embarrassed by no professional prepossessions would have been warmly urged. There was one matter of great importance in the hon. gentleman's speech on which he would not at present touch; namely, the expediency of divesting the Lord Chancellor of all political character, and of confining himself to his duties as an equity judge. Whether it were not desirable that there should be in the cabinet an officer of great judicial importance; and if desirable, whether it would be advantageous that that officer should be of a lower rank than the Lord Chancellor, were questions on which he would not then touch. Nor would he say a word on the subject of separating the bankruptcy from the chancery jurisdiction. The confession of the hon. gentleman with respect to the complication of the business imposed upon the Lord Chancellor, and the impossibility that any one man could satisfactorily get through it, would at least serve to acquit his noble and learned friend by whom that high situation had lately been held of the charges which had been brought against him. It now appeared, even by the admission of the hon. mover himself, that the delays which had taken place in the court of Chancery were not matters of personal charge against his noble and learned

friend; but might be justly accounted for by circumstances which were entirely beyond his control. He mentioned this in justice to one to whom justice had hitherto not been done.

The motion was agreed to.

## THE BATTLE OF NAVARINO.

FEBRUARY 14, 1828.

Mr. Hobhouse moved (and Sir Francis Burdett seconded the motion), "That the Thanks of this House be given to Vice-Admiral Sir Edward Codrington, Knight Grand Cross of the Most Honourable Military Order of the Bath, Commander-in-Chief of his Majesty's Ships and Vessels in the Mediterranean, for his able and gallant conduct in the successful and decisive action with the Turkish Fleet, in the Bay of Navarin, on the 20th day of October last; to the officers, seamen, and marines of the British squadron; and to the Russian and French admirals, officers, and seamen, who so gallantly supported the English admiral on that occasion."

In the debate which followed,—

MR. SECRETARY PEEL said, that differing so entirely as he did from the views entertained upon this subject by the hon. mover and the right hon. gentleman who spoke last (Sir J. Mackintosh), respecting either the principles upon which this motion was founded, or the impression to be apprehended from giving to it a qualified negative—differing so far from them in opinion upon these points, yet he cordially concurred in the propriety of the right hon. gentleman's concluding recommendation, as the best mode of disposing of such a motion, with delicacy to the gallant individuals to whom it referred, and proper consideration for all the circumstances of the case. In rising to address the House on this occasion, he could assure them, that he wished most studiously to avoid every expression which could, in the slightest degree, tend to interpose any obstacle to the carrying of that recommendation into effect. Had he been called upon to argue this question in detail, he assured the hon. gentlemen opposite, that he should have been disposed steadily to adhere to that prudent and judicious course which they had described; namely, of considering this subject abstractedly from the question of the policy or justice of the treaty itself. It was not, he knew, expedient to mix up together subjects which were so disconnected; and he admitted that it was better to consider how far this vote could be asked for, consistently with the usage of Parliament, or whether a refusal of it could be supposed to imply a withdrawal of praise from the gallant admiral who had so bravely commanded at Navarino. He was sure his hon. friend, the member for Dorsetshire, would not consider him deficient in that public and private respect which he so unfeignedly bore towards him, if, on the present occasion, he declined following him in the larger consideration of the protocol, and the treaty which had arisen out of it. In alluding to these topics, he wished to say—lest a total silence might be supposed to convey an equivocal impression—that he had no hesitation to state, that he had no duty, as a minister of the Crown, which did not prompt him unhesitatingly to avow, that he was prepared to concur in the strictest execution of the treaty of July. His majesty having pledged his faith to its due fulfilment, he (Mr. Peel) was prepared to see it strictly redeemed. In adhering to that treaty, there were three great objects confessedly to be kept in view—the termination of the contest between the actually contending parties, its termination upon a basis fixing the future regulation of these states, and the maintenance of the security and repose of Europe, on the accepted basis of the general treaty of peace, which had happily provided for that tranquillity. Under the circumstances in which this country was placed, he thought these declarations in the treaty of July were prudent and wise; and being so, it was hardly necessary for him to add, that their provisions ought to be honestly executed. He was, then, prepared to argue the subject precisely on the grounds described by the hon. gentleman opposite. If the hon. mover could show that upon which, indeed, his whole argument was founded, then he (Mr. Peel) would at once coincide with him in the conclusions to which he had arrived. The hon. member's whole argument was founded on this—that this was the first instance in

which, under similar circumstances, a vote of thanks had been denied by parliament. Now, he at once denied that proposition; nay, he would go further, and say, that if this motion were granted, it would be the first time that the thanks of parliament had been granted under such circumstances. He begged, at the outset, to disclaim that the government had the least intention to question the naval skill and valour which had distinguished the conduct of the officers engaged in the late action. He did not, therefore, withdraw his approval of the hon. member's motion, upon the least doubt of the skill and valour of the naval commanders, and the brilliancy of their achievement; but simply, because it was in direct contravention of parliamentary usage, and, what was more important still, because it was contrary to the principle on which parliament were accustomed to give thanks for great victories.—He would endeavour to follow, as closely as he could, the line of argument pursued by the hon. gentlemen opposite. They had said, that ever since it was the practice of parliament to vote thanks for brilliant achievements, there was not a single instance in which a great naval action had been overlooked, or that the question of the declaration of war, as connected with the exploit, had been deemed of the slightest importance. The hon. mover had, it was true, touched lightly upon what he called the occurrence of Sir George Byng's case in the year 1718; for he knew well enough how weak his point was upon that example. But, said the hon. member, it was not usual at that time to vote thanks for naval victories, because, in fact, these actions were then extremely rare. It was really singular that both the hon. gentlemen opposite should be so incorrect upon a matter of history. It was not the fact that thanks were not then usual for naval victories, or that they were of such rare occurrence. Not very long before Sir George Byng's action, there were many instances of these victories. In 1692, Admiral Russell was thanked for a victory which he gained in the summer of that year. In 1702, the Duke of Ormond and Sir George Rooke (who were together on foreign service) received the thanks of parliament for their naval action. The next great victory obtained at sea was certainly by Sir George Byng over the fleet of Spain on the coast of Sicily; but mark the circumstances under which that victory was obtained. England was then acting in pursuance of the stipulations of the Treaty of Utrecht, and of the arrangements made for the security of the German empire. In the year 1716, this country had undertaken to guarantee the neutrality of Italy; and at this time Sicily was threatened by Spain, though in peace. England sent at first, he believed, twenty sail of the line to the coast of Spain, to give notice to Cardinal Alberoni that she would interfere to prevent any aggression of Spain upon Sicily. Admiral Byng received for answer, from the court of Madrid, that he might execute his orders if he pleased, but that the King of Spain protested against the justice of his interference. Admiral Byng (and here the coincidence was very striking) sailed after the Spanish fleet to the Sicilian coast, and insisted upon an armistice. The Spaniards refused; he attacked them, and gained a signal victory over the fleet of the King of Spain. In this attack the admiral had acted in exact accordance with his instructions, and his conduct was entirely approved of by George I., who wrote him a letter with his own hand; the Emperor of Germany did the same, and, in transmitting his entire approval of his conduct, added another mark of his approbation. In parliament, not a question had been raised as to the policy of his conduct; nevertheless, in that instance, no thanks were voted. There was, indeed, a question attempted to be raised at the opening of the then parliament—not (as he had heard insinuated) by the Tories, the high Tories, but by the Whig opposition of those times. The address was opposed by Mr. Robert Walpole, Sir J. Jekyl, Mr. Spencer Cooper, and other men of similar politics; but, notwithstanding the signal failure of their attempt to oppose the address to the throne, the government never thought proper to propose the thanks of parliament to Admiral Byng. And why? Simply because England was not then at war with Spain: there had been no declaration of war between the two countries; so that this very case utterly destroyed the kind of assumption which had been built upon it. If Byng's case were not in point, was, he would ask, the battle of Toulouse in point? Thanks were not voted for that battle, though fought with so much brilliancy and such complete success. Not because the government and the parliament did not then feel the highest admiration for the Duke of Wellington's victory; but because this country was not at that identical time in a state of war with the

restored government of France. It was the same in the case of Spain with Admiral Byng; and it was exactly the same in the present case with the Ottoman Porte.—But the hon. gentlemen opposite had said, this case of Navarino is peculiarly entitled to the thanks of parliament, because the Crown has already interfered to mark its admiration of the valour and skill of the admiral, by conferring upon him honours, and it follows that parliament ought to do the same. Why, the Crown took exactly a similar course after the battle of Toulouse, and yet parliament never voted thanks for that event. The Crown conferred medals upon the officers, as a mark of the grateful acknowledgement of the sovereign for the signal valour they had shown on the occasion, and on these medals was inscribed the name of the particular victory. With respect to Copenhagen, in which the hon. member professed himself unable to find a shadow of difference, he (Mr. Peel) saw a palpable distinction. Why, in the case of Copenhagen that very fact existed, the non-existence of which was the reason of the forbearance from voting parliamentary thanks in the cases of Admiral Byng and the battle of Toulouse—there was a declaration of war issued by Denmark against Great Britain. At the time of the military occupation of the Danish arsenals, Denmark declared herself at war with England; and that war raged when the thanks of parliament were voted for the victory in the Sound. It was astonishing that the right hon. gentleman's (Sir J. Mackintosh's) acuteness did not point out to him the great difference between the two cases. When the occupation of Denmark occurred, war was declared against England; when the thanks were voted, that war continued; when the attack took place at Navarino, England was at peace with Turkey; she was still in peace with the Ottoman power; and it was at such a time that a vote of thanks was asked for a victory gained over her fleet.—There was, then, this obvious distinction between the two cases—in the one, there was a declaration of war, in the other, there was nothing but peace. Independent of these strong considerations, there was this difference—the object of the attack on Copenhagen was entirely different from that at Navarino. In the former, the object was the seizure of the Danish fleet; in the other, the object was not the seizure nor the destruction of the Turkish armament. And to show this he would found an argument entirely upon Sir E. Codrington's own account of the matter. From the terms of that gallant officer's despatch he would show, that it was impossible to vote the thanks in the form now called for; conceding as he willingly did, at the same time, his greatest praise for the admiral's skill and valour in the action. At Copenhagen there was a seizure, and a bringing away of the Danish fleet. At Navarino not a single ship was seized or brought away. At Copenhagen the application was made to the supreme power of the state.—At Navarino only to the officers of the Porte, who had not the means of immediately communicating with the heads of their government. Surely, then, there was a plain and obvious distinction between the two cases.—Turning to the gallant admiral's despatch, and overlooking those considerations of sympathy for Greece, and prophetic apprehensions of re-action in Turkey, to which allusion had been made, he would, he repeated, found another argument. Before he did so, however, he was anxious to allude to an insinuation which had crept into this discussion, as if there were any thing connected with the late changes in his majesty's government, that had had any tendency to withhold from the admiral on this occasion the fair meed to which he was entitled. To such an insinuation he gave the most positive disclaimer. Indeed, the right hon. gentleman who spoke last, who was himself connected with the government, ought to have been the last to have thrown out such an insinuation; for his right hon. friend (Mr. Tierney) the late master of the Mint, could, as one of his majesty's ministers at the time alluded to, have removed all doubt upon that point. If that right hon. gentleman felt that deep interest which, as a member of the late government, he ought to feel, were the intentions of his colleagues frustrated by subsequent ministerial arrangements, he would, in the present debate, have, instead of being absent, sat at the side of his right hon. friend who had last spoken, and supported his opinions and conclusions. From that right hon. gentleman's absence, he necessarily inferred that this never had been a question with the late government.—Reverting to the allusion to the admiral's despatch, he there found that gallant officer's own account of his intentions and mode of proceeding. Sir E. Codrington had transmitted the protocol of what took place in conjunction with the two other

admirals, two days before the battle. In that protocol the admirals state, "that there only remains to the commanders of the allied squadrons, the choice between three modes of fulfilling the intentions of their respective courts." And they then described the three; namely, the blockade, the securing by their permanent presence the inaction of the Turkish fleet, and the taking up a position in Navarino; and they finally adopted the last as the least likely to be vexatious, and at the same time to be efficacious. It was thus stated in the protocol:—"The proceeding to take a position with the squadrons in Navarino, in order to renew to Ibrahim propositions, which, entering into the spirit of the treaty, were evidently to the advantage of the Porte itself;" and they add, "that they have unanimously agreed that this third mode may, without effusion of blood, and without hostilities, but simply by the imposing presence of the sovereigns, produce a determination leading to the desired object." This was their view of the state of things; and he agreed with them that they had a right to found upon it all reasonable presumptions of a pacific result. Accident had, however, determined it otherwise, by the collision which had so unfortunately followed, and into the origin of which he would not, at that moment, more particularly enquire; and respecting which, he hoped he might be permitted to mix up, with his highest admiration of the gallantry and skill of the admirals, his deepest regret at the occurrence of so lamentable an accident—so "untoward" an event, to use the description which had been so much complained of in the King's speech. It had been said, with reference to this description, that the King of France had not resorted to words of that import, but had described the action as having been merely "unforeseen;" which the government of this country, without the slightest intention of imputing blame to the British admiral, had called an "untoward event." Now, let the House hear what was the description given of the occurrence by the admiral himself. Why, he had characterised it as "a disastrous extremity." His words are—"But it was my duty to refrain, and refrain I did; and I can assure his royal highness, that I would still have avoided this disastrous extremity, if other means had been open to me." In another part he said, in allusion to the commander of the Egyptian ships, he sent a message that "he would not fire at all." Was not that conclusive proof that the admirals did not contemplate general hostilities in their efforts to pursue the objects of the treaty? Then, again, as expressive of the admiral's meaning and object, was the following message, which he sent to the Turkish authorities on the next day after the battle:—"As the squadrons of the allied powers did not enter Navarino with a hostile intention, but only to renew to the commanders of the Turkish fleet propositions which were to the advantage of the Grand Seigneur himself, it is not our intention to destroy what ships of the Ottoman navy may yet remain, now that so signal a vengeance has been taken for the first cannon-shot which has been ventured to be fired on the allied flags." And he afterwards proceeded to say, that if the Turks abstain from committing any act of hostility, "We shall resume those terms of good understanding which they have themselves interrupted." Could any terms have been employed more descriptive of the fact that this action had arisen from a casualty, and was not to be characterised, with whatever skill and valour the exploit had been conducted, as a warlike proceeding? Why, then, hesitate to mix up with their praise of the heroism of individuals, that kind of regret which ought to accompany such an action, and divest it of that attribute of war which alone could sustain the present motion? There was an authority to which he might refer upon the present occasion, and towards which he was persuaded the House would feel the strongest sentiments of respect. He alluded to the late Mr. Windham, who, in speaking of the Copenhagen expedition, had expressed himself in a speech which, if not strictly applicable in all its principles to the question before the House, was nevertheless, in its general spirit, and in many of its points and principles, capable of affording a just view, without reflecting in the slightest degree upon the conduct of the gallant officer. Mr. Windham had expressed his regret at the part which he felt himself bound to take, because there was an idea that where praise was withheld, blame was intended to be cast. But nothing could be further from his intention than to visit with the slightest reproach or indifference the conduct of the gallant men who were engaged. On the contrary, he subscribed most cheerfully to all that had been said in favour of the navy and army; they had acquitted themselves

to the admiration of all, not merely by doing their duty, but by displaying that humanity for which they were equally remarkable in mitigating the horrors of war. But still it was necessary that their conduct should be kept distinct from the nature and character of the service in which they were employed, and from the conduct of his majesty's ministers who were responsible for that service. Mr. Windham had said, and truly said, that actions of that description were not selected by nations for rejoicing. It was upon that principle that he felt pain at hearing the Tower guns fire, when a feeling at least of common sympathy might be expected from the mouths and hearts of those who contemplated the loss of human life, and the extent of human suffering. It was upon these principles, laid down by a man who was as much alive to the military and naval glory of his country as any member of that House, that he was prepared to justify the expression of regret; and the more so, as that expression implied in it no imputation against the conduct of Sir E. Codrington, or those who acted under his command. Such were the principles avowed by a man who was so careful of the fame of naval and military men, that even in the case of a single frigate, commanded by Sir E. Pellew, he had manifested his anxiety, that it should not pass without distinction, measuring that distinction, not by the extent, but by the nature of the service.—For the reasons he had already stated, he could reconcile his mind to the part which his majesty's government had acted; satisfied as he was, that no inference could be drawn from thence to the injury of Sir E. Codrington. In fact, the present was not an occasion which it was customary to signalize by a vote of thanks; and it would be injurious to establish such a precedent as that of voting the thanks of parliament, without reference to the nature of the service for which they were awarded. It would be a departure from the practice of parliament, to regard valour, however signal, and skill, however unquestionable and undisputed, as constituting in themselves a sufficient title to the distinction. He admired the skill and bravery displayed, as much as any man; and if, in conformity with the practice of the House, he could agree to the motion of the hon. gentleman, he would most willingly have done so. God knew he did not oppose the motion upon private grounds! He acknowledged the merits of Sir E. Codrington; but the hon. gentleman was bound to acknowledge to him, on the other hand, that it was not customary to vote the thanks of the House, under the circumstances in which they were called for that night. The hon. gentleman, in the progress of his speech, had objected to the introduction of the term "ancient ally," which he seemed to think that Turkey herself would be disposed to disclaim, as altogether inapplicable to our former relations with that power. He even seemed to infer, that some peculiar favour was intended to be paid to Turkey at the expense of Russia. As to the probability of Turkey declining the epithet, he must say, that it did not strike him to be very clearly made out when he looked to some of the state documents which had passed between the Porte and this country in the reign of queen Elizabeth. He had not brought those papers with him for the purpose of making extracts; but he could assure the House, that so far from betraying any coldness of style, they were lavish in the use of those magnificent and high-toned compliments for which the inhabitants of the East have been always remarkable. Again, after the restoration of Charles II., when, as the House knew, the knowledge of the Turks in geography was not very far advanced, the same spirit pervaded their style, and the opinion that England had been a dependency of France was put forward as an apology for some differences which had taken place, but were reconciled. To deny that the Turks were our ancient allies, seemed to be rather a fastidious nicety, after the lapse of three hundred years, during which we had been concerned with them in the interchange of treaties of amity, and after having preserved with them those relations from the year 1589, when they first commenced, down to the present period, with only the temporary interruptions which took place in 1799 and 1806. It was assuming rather too much to say, that they would fling back the expressions alluded to, when in the Treaty of Amiens, a treaty so remarkable for its importance, the Ottoman Porte adopted the language which described England as her ally: when, in the treaty of 1799, the good understanding which had always existed between the courts and the Sublime Porte was distinctly stated on the part of Turkey, and the propriety of renewing their ancient friendship admitted by the contracting parties. Was it not, then, a quarrel upon words alone, to dispute the use of the term "ancient



ally;" when we had always been in the habit of calling her our ancient friend? But, what were the terms in which Mr. Canning spoke of the Turkish government—and that, not when he was addressing the government of Turkey, or could be suspected of using terms for the purpose of conciliating that power, but when he was addressing another party, with whom they could not be expected to communicate? The document to which he alluded was a letter addressed by Mr. Canning to Mr. Rodio, the agent of the Greek government, in answer to an application for assistance. That letter, which was dated the 1st of September, 1824, stated that, connected as England had been with the Ottoman Porte by ancient obligations and treaties, which the Porte had not violated, England could not surely be expected to engage in a war against her. Let it not be supposed for a moment, that the words objected to in the king's speech had been used with a lurking desire to cast a reflection on the conduct of Sir E. Codrington, and the other gallant officers and men who were engaged at Navarino. Nothing could be further from the fact. Neither let it be supposed, that they were not prepared to fulfil to the utmost those engagements to which the faith of the country was pledged. His majesty's government were as willing as those who might be inclined to support the motion of the hon. gentleman, to do justice to the gallantry of all who were engaged in the late affair; and therefore he was not without the hope that the hon. mover, instead of pressing the question to a division, would adopt the suggestion of his right hon. and learned friend, and take that course which would, under all the circumstances of the case, be most satisfactory to the feelings of the gallant officer, most agreeable to the consistency of parliament, and, as he believed, to the wishes of the country at large.

At the close of the debate, Mr. Hobhouse consented to withdraw the motion.

## FINANCE COMMITTEE.

FEBRUARY 15, 1828.

MR. SECRETARY PEEL rose, and spoke to the following effect:—In rising on the present occasion, Sir, in pursuance of the notice which I have given, I shall take the liberty, in the first place, to move the reading of that passage in his Majesty's most gracious speech, at the commencement of the session, in which he recommends us to enquire into the state of the public Income and Expenditure.

The clerk then read the following passage:—

"We are commanded by his Majesty to recommend to your early attention, an enquiry into the state of the revenue and expenditure of the country.

"His Majesty is assured, that it will be satisfactory to you to learn, that, notwithstanding the diminution which has taken place in some branches of the Revenue, the total amount of receipts during the last year has not disappointed the expectations which were entertained at the commencement of it."

MR. PEEL resumed.—Sir, I have moved that that part of his Majesty's Speech which refers to the state of the income and expenditure of the country should be read, not merely in compliance with the general usage which has prevailed upon the occasion of similar motions, but in order that I may introduce the proposition which I am about to make under the highest auspices, and claim for it the sanction and the recommendation of the first authority in the land. The proposition for the appointment of a finance committee is not a novel proposition. At various periods of the history of this country, committees have been appointed at the recommendation of the Crown, for the purpose of examining into the expenditure and the income of the country; and for the purpose also of submitting to this House their sentiments as to the possibility of establishing a more effectual control over that expenditure, and of making such reductions in its amount as may be deemed compatible with existing circumstances.

In the year 1786, some short time after the termination of the American war, a finance committee was appointed on the recommendation of Mr. Pitt. After an interval of some years, again in 1796, a similar committee was appointed, over which the present Lord Colchester presided, and presided with a degree of ability which has conferred upon him the greatest honour; and of which committee, so presided

over by him, the recommendations have realized to the country the greatest benefits. Sir, in the year 1807, I think upon the recommendation of the present Marquis of Lansdowne, then Lord Henry Petty, a committee was appointed, having for its object to make similar enquiries. Again in the year 1817, a fourth committee was moved for by the late Lord Castlereagh; and that was the last of those committees of finance which have been appointed by preceding parliaments. By an entirely fortuitous, but somewhat singular coincidence, the same period of time, or very nearly the same period of time, has elapsed between the respective appointments of all these committees. The committee of 1786 was the first instance of such an appointment in modern times: in 1796, after an interval of ten years, another such committee was appointed; and in the early part of the year 1807, after the lapse of exactly a similar period, another. Then again in 1817, after another period of ten years, the fourth committee was nominated; and now, in 1828, accidentally no doubt, but again, after a similar interval, I have come forward. Sir, to propose the re-institution of the finance committee.

Sir, I do not propose the appointment of this committee from any of the motives, or from any of the objects, which have, in the course of the casual conversations that have lately taken place in this House, been sometimes insinuated as the motives or objects of such appointment. I assure the House that I do not, for a moment, propose this committee in the reluctant fulfilment of a pledge given by a former government. I propose it, Sir, in the deep conviction which I have long entertained, and which has been confirmed by the examinations I have recently made, of documents intimately connected with this subject. I propose it in the deliberate conviction, that the time has at length come when we must look fully and fearlessly at the state of the finances of this country. I do not propose this committee with the object insinuated, of deluding and deceiving the people of this kingdom, and of either procuring from it recommendations for increased establishments, or of founding upon the recommendations of this committee any propositions for increased taxation. I propose this committee, because I believe it will fulfil the purposes for which it is to be ostensibly instituted, and because I believe, if it shall honestly fulfil them, the executive government and the country at large will derive the most important benefits from its appointment.

It, perhaps, may be unnecessary for me, as it would certainly be much more agreeable to myself, if my labours were confined to a statement simply of the views, and to the proposal of the names of those whose known acquirements point them out to the House as fit to be the members of this committee—it, perhaps, may be unnecessary that I should much exceed a brief indication of these two topics. But I think I have inferred from conversations which have already taken place here, that a general expectation is entertained, that I should preface my proposal for the appointment of this committee, by some reference of a general nature to the finances of the country. I should be sorry to disappoint that general expectation; but, at the same time, I hope that in attempting to answer it in my address to them, they will bear with me, and extend to me their indulgent consideration. They will have the goodness to recollect, that statements of this kind have not been at all necessarily connected with the labours of that department which I have been more particularly connected with; and that, under the particular circumstances that have attended my recent return to office, I have been called on to give almost an undivided attention to other matters; and have really not had time to devote that degree of consideration to the subject which its extreme importance deserves; but which, had I been able so to do, might have compensated in some degree for the disability and unaptness which I fear will be perceptible in the statement I am about to offer.

In deference, however, to this general expectation of the House, I will state, or endeavour to do so, not only my general view of the whole question of finance, but also an outline of the income and expenditure of the country, for some years preceding. If there be any merit in the statement, then, which I am about to make, it will consist in this only—that I shall attempt to state the truth, without concealing or glossing over any thing. For, Sir, I am convinced, that nothing can be more fruitless, or more impolitic, than to introduce any thing like mystification or suppression into a view of the public finances of the empire. These matters are, I take it, much more simple than they appear to be on the face of ordinary official statements

of them. There is, in fact, not the slightest difference between the calculations formed upon many millions and upon a few pounds, or between the expenditure of an humble individual and that of a rich and powerful country. They depend upon the same principles, and must be governed by the same laws; and one might as well contend that the rules of arithmetic, applying to the sums with which we ordinarily deal in the course of domestic occurrences—that these rules do not apply to the division or the subdivision of many millions of money, as to suppose that the finances of the country, however great or important she may be, must not, after all, rest on the same principles, and be governed by the same rule, as the finances of an individual.

I shall attempt then, Sir, to consider this important question, namely, the present state of the finances of this country, on precisely the same principles that any individual would apply to a view of his own concerns; supposing he found it necessary, for any purpose, to enter upon the consideration of them. I shall therefore, as far as possible, divest my statement of all technicality—of every thing tending to obscure it, or to make it unintelligible to those even who may be least versed in financial matters. Now, I presume, Sir, that if an individual were about to look into the state of his affairs, in order to ascertain what his circumstances really were—what were his expenses, and what the probable prospective state of his finances to meet them, he would decide upon proceeding on these principles; first, he would attempt to determine what were the encumbrances to which he might be liable, and from which he could not escape; secondly, what had been the nett amount of his income for some years past; thirdly, what the nett amount of his expenditure during the same period; and, fourthly, what reasonable prospect there might exist, either as to the future amount of his expenses or his income.

In referring thus briefly to the matters which I shall submit to the House, I am merely about to state a few facts, which may enable the House to take a general view of the present financial condition of the country. The first question, then, to be propounded, according to the course which I have prescribed to myself, is—What is the present amount of those encumbrances, of those pledges, to the fulfilment of which we are bound, by every obligation of national honour and national good faith? For, Sir, whatever may be the state of the finances of this country, or whatever our present difficulties, I believe there will be almost an universal hope and an universal feeling and expectation, throughout the empire, that the national faith which has been pledged to the public creditor, must be in the first instance regarded as a bond, as an encumbrance which must be satisfied, before any proceedings are adopted with a view to reduce the expenses of the country. I think it will be quite sufficient for my purpose (although I will go as much further back as any gentleman may desire), if, taking the amount of the general debts, funded and unfunded, at a recent period, I compare it with the amount of her debt in the first year after the late peace. Taking that, then, as the first, and showing the utmost extent of our encumbrances at the end of the war, I shall take an intermediate period between that year and the present; and then I shall state the amount of our obligations at this moment. For these purposes, then, I propose to take the years 1815, 1822, and 1827. Now, the year 1822 is a term pretty nearly intermediate between 1815 and 1828. I should premise that, in order to simplify my statement, and make it much clearer than it would otherwise be, I shall call that which is, in fact, the year 1815—but which ends on the 5th January, 1816—the year 1816, as being the more compendious, and the juster way of describing it, and so of other years that I may name. The total capital, then, of the unredeemed funded debt of this country, in the year ending on the 5th January, 1816, was £816,310,000. In 1822, the total amount of the unredeemed debt was £796,530,000. Last year, the amount or capital of the unredeemed debt was £777,476,000. I should observe, that I deem it unnecessary to mention the hundreds. This last item is strictly, I believe, £300 or £400 more, but I apprehend it is sufficient if I state it thus in round numbers. I conceive I shall simplify my statement by omitting to mention, and I think it probable the House will agree with me in considering the amount of the debt too large to render it necessary to be very particular in mentioning hundreds.

The next matter to be considered is, the amount of charge. The amount of charge for debt to which the country is annually liable, includes the amount of interest

payable to the public creditor on account of the funded debt; and the cost of management of the unfunded debt. This charge amounted—

In January 1815 to .....	£28,278,000
1823 to .....	24,419,000
1827 to .....	25,500,000

But this statement alone does not comprise a fair view of the aggregate amount of the public debt, and the charge upon it. In the first place, the annuities payable on the public funds are terminable in point of fact; but at so distant a period as scarcely to warrant the introduction of any calculations founded on their expiration. In the next place, a portion of this charge is permanent, and a portion temporary only. We are next to consider what has been the total amount of charge occasioned to the country by reason of the unredeemed funded debt at the first period—the year after the peace—the intermediate period 1822—and in the last year. I propose, therefore, to add to the charge of the unredeemed debt the amount of the charge upon annuities; in order to show the total amount payable by the country, in consequence of the unredeemed debt and annuities taken together. The annual amount of charge on the funded debt and annuities was—

In January 1815 .....	£30,488,000
1823 .....	28,596,000
1827 .....	28,361,000

I am not yet come, Sir, to speak of the Exchequer bills, or unfunded debt; but the statement I have made will serve to show that the diminution of the public expenditure, on account of interest, to which this country is liable, was last year, as compared with the year 1815, £2,106,000, but, as compared with 1822, only £216,000.

I have been hitherto speaking of the funded debt. I now come to the unfunded debt. In order to determine this view of the whole of the encumbrances to which the country is liable, on account of the charge of the unfunded debt, including Exchequer bills (under various classes), public works, Irish Treasury, deficiency, and outstanding, I may state, that—

In January 1815 it amounted to.....	£44,544,000
1823 to .....	42,209,000
1827 to .....	34,770,000

The total annual charge, therefore, for these three years, namely, 1815, 1823, and 1827, as for funded debt, for annuities, and for unfunded debt, was—

In January 1815 .....	£33,679,000
1823 .....	30,027,000
1827 .....	29,254,000

I am perfectly aware that all this is matter of mere detail, and as such must be very tedious, I fear, to some hon. gentlemen around me; but, on account of the extreme importance of that detail, I must entreat their most serious attention to it. The total decrease then, Sir, of the capital of the unredeemed funded debt since the year 1815, has been £38,835,000, that is to say, last year, as compared with the year 1815, we had appropriated for the redemption of the funded debt, £38,835,000, and in 1827 also, the unfunded debt, as compared with its amount in 1815, was decreased by £9,770,000; so that the decrease upon the debt, funded and unfunded, was, in round numbers, £48,605,000. The total decrease of charge on account of the funded and unfunded debt, since 1815, appears to have been £4,424,000; that is to say, a less amount on account of the charge for the total debt, as compared with its amount in the first year of peace, 1815, by the considerable sum of £4,424,000.

It may not be unimportant, in the next place, to state what proportion of the

annual charge, on the total debt of the country, is occasioned by annuities. Of these annuities, some, as I have before observed, are terminable. In January, 1815, the total amount of charge on the debt was £30,488,000, of which £1,924,000 was absorbed by annuities. In January, 1823, the total charge was £28,596,000, of which £1,892,000 was the amount of annuities. Last year the total charge was £28,381,000, and the proportion of annuities (a proportion undoubtedly much increased) was £2,602,000. My sole purpose is to give a full and unreserved statement of the condition of the finances of the country. I trust there will be no material error; for my object is to state all—to conceal nothing.

This being, then, the state of our encumbrances for which we have to provide, let us next look at what has been our Revenue and our Expenditure for some time past. In order to make a correct estimate for the future, the best course will be to extend the view somewhat beyond the limit of two or three years; and I propose, therefore, to bring the period of five years within the scope of my observations. I will first state what has been the expenditure of the country for each of the last five years. And here, Sir, at the outset, I am met by a difficulty as to the meaning of the word expenditure—a difficulty which, obviously, must be solved, before we can hope to have a clear understanding upon the subject. I wish it therefore to be understood, that by “expenditure” I mean the national expenses, clear of what is called the “Dead-weight”—the naval and military pensions. For the sake of promoting a clear and intelligible view of this complicated question, I discard all consideration, for the present, of the sums of £4,800,000 on the one side, and the £2,800,000, or whatever the amount is, on the other. That I may not be charged with a desire to evade a difficulty, I will afterwards speak of those pensions; but, for the present, I leave them altogether out of my calculation. I have, then, taken the last five years, and endeavoured to ascertain what has been the amount of the great branches of national expenditure, viz.—the interest of the debt, the army, navy, ordnance, civil list establishments, and so on. It will be observed, that in stating the expenditure, I am stating it exclusive of the interest of the unfunded debt, and exclusive of the advance of five millions given, under the act of parliament, to the commissioners for the liquidation of the national debt. The expenditure, which I now propose to state to the House, comprises merely the ordinary expenditure of the country—the great branches of expense. The total of these branches, then, exclusive of the sinking fund, was in—

1823 .....	£47,692,000
1824 .....	49,527,000
1825 .....	48,061,000
1826 .....	49,585,000
1827 .....	49,719,000

Suppose, in the next place, that we deduct from the gross expenditure the fixed sum for the interest of the debt, in order to exhibit the expenditure apart from the fixed encumbrances. I proceed, then, to state the nett expenditure, exclusive of the charge for the funded and unfunded debt, exclusive of the naval and military pensions, and also for naval and military works—which latter do not at all belong to the subject. The sums will then stand thus—

1823 .....	£18,477,000
1824 .....	20,461,000
1825 .....	20,000,000
1826 .....	21,509,000
1827 .....	21,529,000

In stating these figures correctly, Sir, I intend to cast no reflection upon any former government. In doing so, I should be reflecting upon myself, as well as upon them. I am satisfied that the course I am pursuing is the only one by which I can fairly present a full, financial, view of my subject; and it is to the accomplishment of that task that my duty upon the present occasion points.

Having thus separated the ingredients of our expenditure—having shown it in

parts—I will now present to the House a view of the total expenditure and income, for the entire period of five years. The total income, including all sources of revenue, and the re-payment of advances made for public works, for the five years last past, is £261,000,000. Of course, the House knows the meaning of re-payments of advances made upon public works in England and Ireland. Sums were advanced from time to time, for the promotion of works in both countries, security being taken for the interest and re-payment at convenient periods; and this sum of £261,000,000 includes within it such sums as have been repaid during the five years.

I will now, with equal unreserve, state the amount of the expenditure for the same period; so that, by deducting the one sum from the other, we may see what has been the real surplus of income over expenditure. I omit in this statement likewise, as in the statement of the income, the naval and military pensions, and include all advances made for public works, and, indeed, every other charge. The total of our expenditure thus obtained, deducting the repayments, is £249,000,000. Deducting £249,000,000 from £261,000,000, the total surplus revenue applicable to the liquidation of the national debt during that period of five years, appears to have been £12,000,000.

Now, Sir, I will state the income and expenditure, including the Dead-weight, as it adds to the income on one side, and to the expenditure on the other, under the existing arrangement with respect to that item. The total, then, inclusive of every payment for the last five years, will be—

Income.....	£284,149,000
Expenditure.....	263,005,000
	<hr/>
	£21,144,000

Making a total surplus of twenty-one millions in round numbers, according to this view of the subject.

The next point to which I think it necessary to draw the attention of the House, is the amount paid by the commissioners of the Sinking-fund, as directed to be annually appropriated by act of parliament for the last five years. The total of these payments is £29,414,000; exhibiting an excess over the surplus income, which amounts, as I have shown, to £21,144,000, of £8,360,000. The difference has been made up, partly by money raised for that purpose, and partly by reduction of the balances in the Exchequer on the last day of one year compared with those balances on the last day of another. Supposing, for instance, the amount of balances to have been five millions in the year 1823, and the amount now to be only two millions, the House will easily see, that a larger sum by three millions than the actual surplus of the income over expenditure may have, during the intervening period been applied to the reduction of the debt.

I am not aware, Sir, that I have omitted any point necessary to render to the House a clear, unembarrassed, and perfectly true account of the income and expenditure of the last five years, and of the encumbrances for which we have had to provide. It would be difficult for me to attempt an estimate of the future probable revenue of the country. That is a task which more properly devolves on my right hon. friend, the Chancellor of the Exchequer, at a more advanced period of the session; and it would be presumption in me to anticipate, with the feeble means which I have for coming to a judgment, the statement which we may expect from him. For the purpose, however, of assisting to furnish a correct view of our prospects in that respect, it may not be amiss to refer to the ordinary expenditure and income of the last two years. The total ordinary revenue

For 1826, was .....	£49,625,000
For 1827 .....	49,581,000

This is exclusive of naval and military pensions, casual revenue, and the repayment of advances on public works. The income for the year 1827 being therefore £49,581,000, expenditure £49,487,000; the excess of income was £94,000.

The expenditure for the two years was—

For 1826 .....	£49,513,000
1827 .....	49,487,000

I am aware, Sir, that some expectation is entertained that I shall say something about the estimates for the present year; and, although they are not all made up in a form fit to present to the House, I shall not hesitate to give a general, and I believe an accurate, notion of their amount. I protest, however, against being responsible for any inaccuracy that may subsequently appear to attach to this statement. It is my anxious wish to give the House every possible information upon every branch of the subject; and it is that alone which induces me to make this premature disclosure of the probable amount of the Estimates of the present year. The Estimates for the present year will, I believe, be—

For the Army.....	£5,586,000
Army Extraordinaries; including under that head, £450,000 advance for the present year, and £360,000 of debt belonging to the last year. ....	810,000
Militia .....	292,000
Commissariat ... ..	372,000
Navy ... ..	5,995,000
Ordnance .....	1,574,000
Miscellaneous ... ..	1,946,000

Now, Sir, I hope I shall not be charged with concealment or intentional misstatement, should any of the sums come out different from what I have stated. Sir, I state these items fairly and explicitly to the House, with a view of putting it in possession of the real state of the financial affairs of the country. I am sure the House will do me the justice to believe I am disposed to make no intentional error. Sure I am there is no wilful misrepresentation; and, should any immaterial error hereafter appear, I am satisfied the House will not bind me down to any casual inaccuracy that may arise from my disposition to put them in possession of the fullest information. The Total of these Estimates is, £17,575,000.

I have referred to the estimate made by the Finance Committee of 1817, as adequate for the same services prospectively; and I find that their estimate for the services I have enumerated was £17,350,000. Deducting this sum from the former, there remains as the excess of the estimate for the present year, over the estimate of the Finance Committee of 1817, £227,000. The total amount of estimates voted for the last year was £18,745,000; so that the estimates for the present year are less than those for the past year by £1,168,000. The hon. member for Montrose seems to doubt the accuracy of my statement. I am perfectly willing to be corrected if I am in error. I believe it will be found that these estimates are

Less than those of 1825, by.....	£6,140
1826, by .....	365,843
1827, by.....	1,168,260

In looking forward to the probable demands that will be made on this country, I think, Sir, we should not omit to take into consideration the effect that will be produced by the termination of the contract with the Bank of England, with reference to the naval and military pensions. If it should not be deemed advisable to renew that contract—if it should be thought better to return to the old system, and meet the charge of our pensions—it is clear that the result will be an addition to the present expenditure of the country. The contract with the Bank will, I believe, expire in July of the present year. The effect of the termination of the contract will be a diminution of income available for the general services of the year 1828, as compared with the amount received from the trustees of the Bank. For the year 1827, £913,240. And for the general services of the year 1828, as compared with 1827, of £1,940,740.

It does not appear to me necessary further to trespass on the patience of the House, by presenting them with any further details, to enable them to form a just opinion as to the real state of the country. It is not my intention to enter into any defence of the contract to which I have just alluded—it would be quite beside my purpose to do so—and I have merely introduced it to assist in forming an hypothesis of our probable future income. For the same purpose only have I referred to the estimates. They were prepared by a government with which I was not connected; but I have a strong conviction on my mind that they were prepared with great care, earnestly and successfully to carry into effect every possible retrenchment. But on the subject of these estimates, I will say that I am satisfied there exists in the new members of the present government, as well as in those who belonged to the last administration, a sincere desire to see economy in the public expenditure carried to its utmost length. And if, through the recommendation of the Finance committee, it should appear practicable to make some reduction in the expenditure of the next half-year, that I am confident will be cheerfully effected. With respect to the army estimates, it has been proposed that a further reduction should be made in our military force. To effect this, there are two modes—the one by disbanding the regiments, and the other by reducing the number of men. In the former case, there would be a claim to pensions on the part of those reduced. By reducing the number of men merely, no expense is entailed on the country. The reduction of the men also could be immediately effected, and certainly if our military force will bear reduction at all, that is the way least open to objection. Already, in several departments, we have entered upon the business of reduction. I have had communications with my noble friend at the head of the Foreign Department, and he has informed me of the prospect that presents itself of his being able to make reductions in several diplomatic expenses; more especially, in some of the expenses accruing out of our relations with South America. It is the intention also of my noble friend to apply himself to our foreign ministerial establishments, with a view of effecting a reduction in them. Another item in the general expenditure, to which I will not advert at length, because the attention of the House will, in due time be drawn to it by my right hon. friend (Mr. Huskisson)—that part of the public charge which arises out of our colonial relations—is under review, and it is hoped that some reduction may be made in it. It must be within the knowledge of every one, that the military establishments maintained in and for the colonies entail considerable expense upon Great Britain. From some of our colonies—those which have no independent legislatures, but are subject to the immediate dominion of the Crown—a revenue applicable to public purposes and necessities is already received, amounting to about a million a year. I am perfectly ready to enter into the consideration, whether the revenue of those colonies may not be made so applicable as materially to lessen the expenses of the mother country on their account.

Having, Sir, expressed my willingness, and the willingness of the noble and right honourable persons who act with me, to attend most anxiously and zealously to any suggestions which may proceed from the finance committee, it only remains for me to say a few words upon the intended constitution of that committee, and of the powers which are to be entrusted to it. With respect to the constitution of the committee, I hope I have taken a course which will give general satisfaction. Nothing can be more painful than to have the nomination of such a body; from the duty which it imposes of excluding therefrom a number of persons whose assistance would be, in the highest degree, valuable. To make a selection, however, was necessary; and I have endeavoured to choose those persons whose talents are generally admitted, and whose attention has been longest directed to the consideration of financial subjects. I have endeavoured to select much of the knowledge and experience of the House, without reference to party; and I do feel considerable confidence, that my selected choice will meet with approbation. With respect to the powers of the committee, I am not prepared to say what ought to be their exact limits. I think my right hon. friend (Mr. Huskisson) was, the other night, materially misunderstood when he was stated to have declared, that the establishments of the country were such as government only was responsible for, and that the committee would have no right to enquire into them. It is impossible for any man of good sense to think of prescribing the exact limits of such an enquiry. On the one hand, it is



clear that the executive government, if it is to be competent to the discharge of its duties, must be responsible, to a certain extent, for the establishments of the country. On the other hand, to exclude the committee from all view of those establishments, would be as absurd as it would be to deny the responsibility of the government. Most of the circumstances connected with those establishments cannot be excluded from a body so appointed. But, at the same time, it is obvious, that government may be in possession of many elements material to the formation of an accurate judgment, which they cannot disclose. Thus, for instance, with respect to the treaty which was last night referred to, which treaty provided for the employment of a naval force, how was it possible for the executive, which could only know of the secret article of the treaty, to impart to the committee that material element to its judgment—and how could such a committee have proceeded to deliberation, without the knowledge of such a circumstance, excepting by confidence in the executive? All I can say, Sir, is, that to enable the committee to take an accurate and comprehensive view, every possible assistance will be given; I can say no more than this. It was the rule on which the committee acted in 1817, and no other rule will be acted on now.

There is one point, Sir, to which, before I conclude, I am anxious to address myself, and upon which I have always had a very strong feeling; I had thought, indeed, of introducing a few words into the motion expressive of that feeling. Sir, I refer to the advantage and necessity of a simplification of the public accounts. I have no doubt that, without any express words, the committee will feel themselves warranted in taking that important subject into their serious consideration. No man is more desirous than I am to see the public accounts presented in the simplest possible form. And I can only say, that if the committee shall be able to recommend any plan for the attainment of this object, they will secure for the country a great public advantage. I see no reason, Sir, why we should not follow the example set us, in this respect, by France and the United States of America. I am quite certain that we shall do well to profit by such example, and I can see no single disadvantage attending it.

I thank the House for the indulgence which has been extended to me, in the statement of details which it would have been scarcely possible to have relieved from the dryness which notoriously attaches to such subjects. I trust I have said enough to show in what spirit this committee has been proposed, and to convince the House that it proceeds, on the part of his majesty's government, from a sincere desire to meet parliament and the country, fairly and fully, upon a subject of such vital importance. I know that, from a person in my situation, professions of economy are suspected as things of course, and as intended to mislead. But I state earnestly and confidently to the House, that there is, on the part of the present administration, in taking the affairs of this country under its guidance, a resolute determination to effect all possible economy in the public expenditure. An hon. gentleman, the other night, declared it to be his opinion, that, whatever the disposition of government might be, that disposition would be overruled by an influence which rendered it imperative to maintain large establishments to satiate that influence. To this, Sir, speaking from experience in the business of government, I give an unqualified denial.

I shall not now go back to the increase which may have taken place in the different departments during the particular periods upon which I have addressed myself to the House; but must say, that I cannot agree with the hon. member for Aberdeen in the causes to which he refers this increase. I believe that the increase of which he complains has been partly, and indeed principally, owing to the views entertained by each particular department with respect to its own service, without perhaps paying very particular reference to the general expenses of all; and, at any rate, I entirely differ from the hon. gentleman, because I am convinced that the expenses thus incurred have been entered into from the laudable desire of each head of a department to have the establishment under his control in the best possible condition, and, most certainly, from other and better motives than those assigned by the hon. gentleman. In saying this, I speak, Sir, from experience. In the department which I have had especially under my control, I confess I always entertained a wish to have all the establishments connected with it kept up in the best possible state, without considering what the effect might be upon the general expenditure of the country. What I

now wish is, that there should be one general and effectual control over all the establishments of the country; and I believe that the noble individual at present at the head of the highest department in the country, has the disposition, as well as the power, to exercise a greater and more efficient control over all the subordinate establishments, than any other person ever placed in a similar situation. I wish to avoid introducing, upon this occasion, any thing like a political or party feeling into the consideration of a matter of this importance. I only mention the name of that noble person upon this occasion, because I consider him more capable than any other individual of efficiently executing that control, so indispensable to the well-being of the country. I say this, because, in the various civil offices which he has filled, there can be no one who has not seen, both in the ordnance and other departments heretofore under his direction, the most anxious desire on his part to introduce every retrenchment and every degree of economy, compatible with the interests of the country. I am sure that that noble individual sees no cause to despond at the situation of the country, although he has the desire to look its financial state fairly in the face, and has the most earnest wish that every possible reduction should be made. I know that these are his wishes, but only under the imperative obligation of maintaining to the strict letter of the bond, the national faith with the public creditor; for which he is fully assured means are to be found in the resources of the country, and upon which account he feels that there is not the slightest cause for despondency. In this feeling, Sir, I fully participate. I speak my own sentiments, as well as those of the noble individual at the head of the government, when I express my belief, that if it were necessary to make an appeal to the country, and to rouse its dormant powers—those powers may at all times be roused in the cause of justice and in vindication of the national honour—that there never was a time that could be productive of mightier efforts, founded on the unimpaired resources of its finances, and the matchless energy for which it has at all times been distinguished. I move, Sir,—

“That a Select Committee be appointed, to inquire into the State of the Public Income and Expenditure of the United Kingdom, and to consider and report to the House, what further regulations and checks it may be proper, in their opinion, to adopt for establishing an effectual control upon all charges incurred in the receipt, custody, and application of the Public Money; and what further measures can be adopted for reducing any part of the Public Expenditure, without detriment to the Public Service.”

The motion for the appointment of a Committee was then agreed to. After which, Mr. Secretary Peel handed up to the Speaker the following list of the Members intended to form the said Committee: viz. Mr. Chancellor of the Exchequer, Mr. Tierney, Mr. Herries, Sir John Newport, Mr. Ward, Lord Viscount Althorp, Mr. Ashurst, Lord Viscount Lowther, Mr. Hume, Lord Viscount Howick, Sir Edward Knatchbull, Mr. Maberly, Mr. Home Drummond, Mr. Banks, Mr. Alexander Baring, Mr. Robert Palmer, Mr. Littleton, Mr. Vesey Fitzgerald, Sir Henry Parnell, Mr. Wilmot Horton, Sir Matthew Ridley, Mr. Stanley. The Committee to have power to send for persons, papers, and records; to report from time to time, and to sit notwithstanding any adjournment of the House; seven to be a quorum.

Mr. BARING expressed his surprise, that so few ministers of the Crown were appointed members of the Committee.

Mr. SECRETARY PEEL said, that the reason why more ministers were not in the list was, that the duties they had to perform occupied so much of their time, that it was impossible they could give any efficient attendance upon the committee. He had pressed his right hon. colleague to be a member of the committee; but he had refused upon the grounds just stated. He had been also desirous that the committee should have benefited by the valuable assistance of the learned member opposite (Mr. Brougham); but the learned member had declined on account of his numerous professional avocations.

Mr. Huskisson's name was at length added to the Committee.

## MINISTERIAL EXPLANATIONS.

FEBRUARY 18, 1828.

The Chancellor of the Exchequer having moved the order of the day for going into a Committee of Supply, Lord Normanby rose, and addressed the chair at considerable length respecting the immediate cause of the dissolution of the late ministry. Mr. Secretary Huskisson followed; and then Mr. Herries, Mr. Tierney, Colonel Wood, Mr. Stanley, Lord Althorp, Sir G. Warrender, Lord Milton, Lord Morpeth, Lord Palmerston, Mr Littleton, and Mr Duncombe.

At length Mr Secretary PEEL said, he did not rise to offer any thing in explanation of the causes of the dissolution of the late administration. Of those causes he knew absolutely nothing; and he was never aware of the existence of the correspondence which had been laid before them that night until he had heard it read. Knowing nothing, then, of those causes beyond what every gentleman knew who read the public papers, no consideration on earth should induce him to enter upon a discussion of them, or to pronounce any opinion upon them. He could not proceed further without noticing one or two expressions in the speech of the hon. gentleman who had just sat down, as to the mysterious, incorporeal, and incomprehensible being of which he had spoken. He did not know where it existed. He had, for some years, been in the service of his Majesty, and he never was aware that any of the measures of the government had been thwarted by this incomprehensible being, nor had he ever found that the other more substantial personage had interfered, in the way stated by the hon. gentleman, with the financial affairs of the country. As he was perfectly ignorant of the existence of any species of influence like that alluded to by the hon. member, he could not afford him any information upon that point. —He was not aware that there was any explanation required by that House from him, regarding the circumstances attendant upon his return to the office which he had the honour to fill. He was ready to answer any question which might be put to him respecting the circumstances and reasons which had induced him to join the present administration. He was willing to state every thing that was material, and should any omission be pointed out to him, he would gladly supply it. Upon the night of the 9th of January, while then residing in Sussex, he received at midnight a letter from his grace the Duke of Wellington, stating, that he had been commissioned by his majesty to form a new ministry, and requesting that he would, without delay, return to London, as his grace was anxious to confer with him, in the first instance, upon the subject. He left the place where he was residing that night, and arrived in London early on the following morning. He waited immediately on the Duke of Wellington. His grace repeated to him the substance of what he had written; namely, that his Majesty had applied to him for the purpose of consulting him respecting the formation of a new administration. He said that he was the first person to whom he had applied, and asked if he were willing to form a part of it. He then asked his grace who was to occupy the situation of prime minister? To which the duke replied, that he believed his majesty intended that he should fill that situation, but that he had requested his Majesty, if such were his intention, to postpone his determination a little, in order that he might have an opportunity of making up his mind upon the subject. He then stated to the Duke of Wellington, that if he were to stand in the capacity of prime minister, he (Mr Peel) for one was perfectly willing to serve under him in any capacity, and he took that opportunity of stating to the duke his opinion, that the men most fit for the reconstruction of the cabinet, men whose principles were the most acceptable to himself and to the country, were to be found among those who had formed part of Lord Liverpool's administration. He stated to his grace, that, under existing circumstances, he saw no course so likely to soften down the prejudices of parties as that to which he had alluded. He added, that if he could be satisfied of the duke's becoming prime minister, if his grace also contemplated the resignation of the office of commander-in-chief, he should not hesitate to take a part in his administration. He then said, that if he were at liberty to express his opinion respecting the manner in which the government should be reconstructed, he would then do so, which would also give the noble duke an opportunity of learning how far his opinions were in accordance with his own. He then stated to

the noble duke, that, taking into consideration the state of the country, the state of the House of Commons as to the talents of public men there, and the general condition of our foreign and commercial relations, he did not think it consistent with his duty to withhold his opinion, that the country could not be governed upon any exclusive principles. He had stated, that it was impossible to narrow their views to the mere personal opinions which might be entertained by particular men, but that they must carry them much further; and looking, as he had said, to the state of the country generally, and to the state of that house also—divided as it was in opinion almost equally upon the Catholic question, the numbers being 276 to 272—he believed it to be impossible, with satisfaction to the country, to form a government founded either on the principle of excluding the Catholic question altogether, or of making the carrying of that question a *sine qua non*. Looking to the agitated state of the commercial and agricultural interests, it did appear to him, that the government should be formed upon such grounds as were not likely to promote one of those interests to the injury of the other, but that it should be so composed as to promote the interests of all. Looking also to the state of Europe, and to that part of it more especially which might be said to be remaining in a state of conflict, he thought that the course which the government should pursue was, a course of moderation, and that it should act as mediator between the contending parties. The Duke of Wellington then said, that his own opinions on these subjects were in precise concurrence with his; and that he was happy to find that their views coincided so entirely.—Some right hon. gentleman had thought fit to impute to him, and to some noble and right hon. friends near him, a sacrifice of the opinions which they formerly professed to entertain, by their joining the present government. He should say, in answer to such imputation, that if he had taken any other course than that which he had, he should have been justly chargeable with inconsistency. He had stated in that House, on a former occasion, that the ground on which he had refused to act in the administration of Mr. Canning was the Catholic question, and that alone; and if that could have been put aside, there was no public ground on which he would have refused to act with him as prime minister. He had made that declaration at the time verbally, and he had afterwards put it upon record; namely, about two days before he relinquished the office of Secretary of State for the Home Department. On the 9th of April last—and there could be no public inconvenience in referring to the circumstance now—the then chancellor, Lord Eldon, waited upon him at the command of his Majesty, for the purpose of ascertaining whether any change had taken place in the sentiments he had avowed respecting the appointment of Mr. Canning. He had a conversation with Lord Eldon on the subject, and said he wished to have an opportunity of explaining himself personally, both to his Majesty and to Mr. Canning; but that, as he deemed it a matter of some importance, he would also express his opinion to him (Lord Eldon) in writing. He accordingly did write a letter to the Lord Chancellor, of which he would now read a part. This letter was dated April 9:—

“My dear Lord Chancellor,—To prevent any misconception, allow me to commit to writing the substance of what I stated to you this morning. I must candidly say, that I wish to see the present government resting on the same footing as it did before Lord Liverpool's misfortune. As regards myself, I am content with my situation, and wish for no change; and, with the single exception of the difference of opinion respecting the Catholic question, I am ready to act with them in every other matter. I can assure you, that I esteem and respect them, and should consider it a great misfortune for his Majesty to be deprived of the services of any of them, particularly of the services of Mr. Canning. I can say with the greatest truth, that with the single exception of the Catholic question, my opinions are in accordance with theirs.”

This extract would show what his opinions then were, and such they remained. The government which was then formed having been dissolved, how could he refuse to enter again into the king's service? And, if he did re-enter it, was he not right in advising the ministry to be reconstructed from those with whom he agreed? There was nothing inconsistent in any thing he had done in this respect; and as to

the jealousies and personal animosities towards Mr. Canning, which were so much talked about, he had indulged in no such feelings. On the day of the date of the above letter, he said in that House, that the transfer of the office of prime minister from Lord Liverpool to Mr. Canning, differing as he did in opinion with that right hon. gentleman on the Catholic question, constituted a great difficulty in the way of his entering that administration. He felt, upon such an important domestic question, that if he took office, he should, from his situation in the Home Department, necessarily have to come in frequent collision with the head of the government, who differed from him respecting it; and, as he could never, under such circumstances, continue to act with satisfaction to himself, he decided that he could not take part in that administration. But when the Duke of Wellington took the office of prime minister, no such ground of objection existed, and he felt himself at liberty to join his government. His recollection of what passed on the formation of that government was very much in accordance with what had been stated by his noble friend the Secretary at War; for, from the moment that the Duke of Wellington determined that an offer should be made to the members of Lord Liverpool's government, the duke said, "Let us put the matter to them fairly and freely, upon public grounds." No stipulations were offered or required, but there was a spontaneous desire on the duke's part to make such propositions to those individuals as must prove acceptable to all. The duke felt the importance of preserving unchanged the existing policy respecting the general affairs of Europe, especially as concerned the affairs in the East; and he felt also, that it would be a great public advantage to secure the valuable assistance of Earl Dudley in the Foreign Office. On the 10th of January the noble duke had assured him, that no change should take place in the government of Ireland; and although some dissatisfaction had been expressed, in some quarters, respecting the appointment of the right hon. gentleman who was secretary for that country, he could only say, that if it were left to name any person to that office, he could not select an individual better qualified than that right hon. gentleman. Respecting the Catholic question, every member of the present administration was at liberty to take what line of conduct he might choose: it was deemed to be an open question; and the patronage of Ireland was to remain neutral, as it was pledged to be in Mr. Canning's government. The noble duke had agreed in opinion with him on these points; and he believed that it was his intention to act steadily and honestly up to the declarations which he had made upon this subject. With respect to the Corn question, that had been referred to as a reason why a union never could take place between the remnant of two former administrations. Now, whatever were the value of the objection, it did not apply to him. He had expressed no dissent from the principles of the Corn Bill brought in by Mr. Canning; and in fact, at the time when Mr. Canning's state of health rendered it doubtful whether he could bring it forward, it had been agreed that, in the right hon. gentleman's absence, he should introduce it to the House. A noble lord opposite (Milton) had spoken of the amendment moved by the Duke of Wellington upon that bill, which ended in its rejection; and had inferred that, from that event, there could be no junction in a government between the noble duke and the right hon. Secretary for the Colonies. Now, he denied that there was any evidence that the Duke of Wellington was hostile to the principle of that bill. He had sat in the cabinet when it was introduced; he had voted for the second reading of it; and there was nothing, as regarded principle, which could be objected to him for having altered the details. The amendment which the noble duke had moved to the bill which had been lost, formed no bar to his supporting another bill brought in upon similar principles. But the fact was, that a consistency and a unanimity of opinion was called for, or affected to be called for, in the members of the government, which it was folly to suppose ever could exist. In consenting to become a member of an administration, he did not surrender, or believe that he was bound to surrender, his opinions to any man. He protested that he never would enter the service of the Crown, or of the country, if the terms were, that he was implicitly to adopt the views of any minister—of Lord Liverpool, of the Duke of Wellington, or of Mr. Canning. With respect to the last-mentioned right hon. gentleman, if the Catholic question could have been put out of sight, and if Mr. Canning had asked him to become a member of his administration, he should have answered—"There are matters on which we

do not think alike; but we have sat in the same cabinet for five years, and I know of no cause which should preclude me from serving with you, or under you." For, could it be supposed that any head of an administration ought to expect—or would any one who acted with him consent that he should be permitted—to lay down his personal opinions like a formula, to which every one about him was bound, without objection or qualification, to subscribe? He repeated, that he would have served with the late Mr. Canning, or under him. He saw no point on which he ought to have declined to do so, except the single point of the Catholic question. A noble lord had spoken of the policy of the South American question, and of the expedition to Portugal. He had concurred in the South American policy. He believed that many of the South American colonies had, at the time in question, established a *de facto* independence of the mother country, and that it was time that that independence should be formally acknowledged. As for the expedition to Portugal—he found Portugal in a state of danger which gave him every disposition to act; and, as the question stood, he was not bound to call principle to his aid upon the subject, for we found the country bound by treaties, from which it was impossible, in honour or in justice, for her to depart. He did not stand there as the "*laudator temporis acti*," but he repeated—that perfect agreement in any administration could not, and ought not, to be looked for. It could not fairly exist. He was ready to serve in the government, if he could; but never unless he were allowed to retain his own views and feelings upon ten thousand possible questions, which, in the complicated state of society, would rise, and to provide for which, by any arrangement or settlement, of principle, was impossible. He thought that the proposal which the noble Duke at the head of affairs had made to the members of the present administration was one which it was impossible for any of them to reject; unless those who meant to say, that the fact of their once having been in office under Mr. Canning precluded them from taking office under any body else. The explanations given upon this point seemed to him fully satisfactory. The hon. member who spoke last gave little encouragement to explanation, when he declared, that he would not be satisfied although parties should go on explaining to eternity; but he believed that every circumstance which required notice had been accounted for. The same hon. member charged his right hon. friend, the Secretary for the Colonies, with having given a pledge to his friends and to the country, that he never would take office under the Duke of Wellington, or—

Mr. T. Duncombe said, "No." He had merely said that which was the fact; namely, that the right hon. gentleman had declared he never would act with those who caused the destruction of Mr. Canning.

Mr Secretary Peel continued. He would not moot the point with the hon. gentleman; for the principle was that which he desired to go upon. Was there never to be an end of the desire to make every transient hostility interminable? The noble Lord at the head of Foreign Affairs had treated this dangerous and unreasonable desire as it deserved, when he had spoken of the praise which was due to Mr. Canning, for having forgotten his personal difference with the late Marquis of Londonderry, the instant that the country seemed likely to be assisted by their union. For himself, he could only say, that if it were a point of honour to recollect one's own quarrels, or the quarrels of one's friends, he thought it an act incomparably more noble to forget those animosities when the public interest would be served by burying them in oblivion. He hoped therefore, most sincerely, that there would be an end of these demands for explanation, and of explanation itself, as of every other circumstance which could tend to impede that cordial union for the promotion of the public welfare, which he was sure, if it were permitted to do so, would distinguish the conduct of the present ministry. If government were allowed to take its course, as much unanimity and as much exertion would mark the administration of the Duke of Wellington, as had distinguished any ministry that had ever existed in the country; certainly as much as could belong to any ministry capable of being formed in the existing state of parties. He trusted that what had been done already, since the business of the session had commenced, had evinced at least a disposition, from which no evil to the country would be expected. As far as he was concerned, his object should be to do that which he had recommended; namely, to forget all differences which had existed, and to ask only, how far the expectations of the public from the

government as it stood was likely to be realized? He had never sought to be recalled to office. His being replaced in it was neither of his asking nor of his particular desire; but, since he was in office, he would steadily perform that which he believed to be his duty: he would execute the trust which, in taking place, he had contracted with the Crown and with the nation; especially aiming to promote the union of the ministry with which he was connected, and to avoid exciting any differences by which its stability could be endangered.—One word more was all with which he would detain the House. It referred to a subject which it was right should be fully understood, as connected with the dissolution of the late ministry and the formation of the present. On the 8th of January, when his majesty had commissioned the noble duke at the head of affairs to form a new government, his majesty had accompanied his commands for that purpose with the following declaration:—"I commit to you the formation of a new ministry: the last administration has been dissolved. But it is my duty to inform you, that, if that administration had not been dissolved by acts of its own, I would have remained faithful to it to the last." There were circumstances which made it expedient that this fact should be known. For himself, he believed it was impossible to attribute the dissolution of the late government to any other than the causes which had been brought before the House in the course of the explanations of the evening. He repeated, that he thought there had been discussion enough. If there were any point connected with his personal acceptance of office that wanted explanation, he was ready to give it to any member who might call upon him. But he thought his right hon. colleagues had gone as far as it was necessary, or possible, for them to go.

Mr. Huskisson rose to explain; and Mr. Brougham spoke at some length; after which the Committee of Supply was postponed till the 20th instant.

### LUNATIC ASYLUMS.

FEBRUARY 19, 1828.

Mr. Robert Gordon moved for leave to bring in a Bill "to consolidate and amend the several acts respecting County Lunatic Asylums, to facilitate the erection of County Lunatic Asylums, and to improve the treatment of Pauper and Criminal Lunatics."

MR. SECRETARY PEEL said, that he did not think that the hon. gentleman had done justice to the feelings of the House, when he had supposed that his motion would be treated with the slightest inattention; for he was sure that it must not only be impressed with the importance of the question, but also feel grateful to the hon. gentleman for having taken it up; especially as he must have devoted his time to it from a feeling of pure philanthropy; and he thought that a more important subject could not have been chosen, though it was not one calculated for display. During the summer, he had paid some attention to the report that had been made by the committee; and, though he had not himself taken any part in the present bill, he trusted that the hon. gentleman would introduce it on such a principle that it would execute itself; for, unless that should be the case, there would be danger that, in the course of fifteen or twenty years, when the public attention was no longer excited, the same abuses as those now complained of would creep in. There could not be a question, that unless the asylums for pauper lunatics were well conducted, they would be a curse rather than a blessing; and that it would be infinitely better to have none at all, than such as would only offer temptations to send unfortunate creatures to them. There were cases in which the patient was merely somewhat troublesome, and it was much better that such as these should be abroad; it being preferable to leave them in the custody of their relations than to lock them up in mad-houses. That mildness of treatment might produce the best effects, was to be seen from the manner in which the house in St. George's Fields was conducted. Patients had been removed thither, after being chained to the wall for nine years at the other place, and brought to quiet and tranquillity by the pursuing of a milder course. Unless, therefore, these asylums were well regulated, they were the greatest curses that could exist. But he wished to suggest to the hon. gentleman, that there might be danger in the establishment of a permanent Board of Commissioners. It was human nature, that daily and weekly visits to such scenes should harden men's

hearts; and he therefore thought that it would be infinitely better, instead of a permanent board being established, that every six months new physicians and new visitors should be appointed.

Mr. R. Gordon said, he proposed that they should be appointed annually.

Mr. Peel was afraid that the old members would be sure to be re-appointed, unless it were positively enacted that new physicians and visitors should be appointed twice a year.

Mr. R. Gordon said, it was the object of his bill to place the matter entirely under the direction of the Secretary of State for the Home Department.

Leave was given to bring in the bill.

## TEST AND CORPORATION ACTS.

FEBRUARY 26, 1828.

LORD JOHN RUSSELL spoke at considerable length, with a view to the repeal of the Test and Corporation Acts; and concluded with moving,—“That this House will resolve itself into a Committee of the whole House, to consider of so much of the Acts of the 13th and 25th of Charles II., as requires persons, before they are admitted into any office or place in Corporations, or having accepted any office, civil or military, or any place of trust under the Crown, to receive the Sacrament of the Lord's Supper, according to the rites of the Church of England.”

MR. SECRETARY PEEL rose and said;—I am anxious, Sir, not to defer to a later period of the evening, the delivery of the very few observations which I think it incumbent upon me to make in reference to the motion which the noble lord has so ably introduced to the attention of the House. In the course of the very able and temperate address, the noble lord appealed to me personally, not as an individual member of this House—not as a minister of the Crown—but as the representative of the University of Oxford; and he made that appeal, as I understood, for the express purpose of eliciting from me the opinions which that learned body entertained upon this question, and the instructions which they have thought it right to convey to their representative for the guidance of his conduct in this debate. Sir, I beg to state, in reply to this appeal of the noble lord, that I have not been instructed on this occasion by that University to deliver any opinion, nor have they entrusted me with any petition to present to the House in opposition to the claims of the Dissenters. I beg to state further, that I am not in possession of any instructions as to the course of conduct which they desire their representative to adopt; and I am, therefore, disposed to infer from this silence, that they have not thought it fit to do any thing with reference to this question, and that they are disposed to rely with confidence upon the judgment of this House. I cannot, however, permit myself to infer from this silence, that the members of that University acquiesce in the prayer of the Protestant Dissenters, or that it is their wish that I should support it. All that I gather from it is, that I am left entirely unfettered in the application of my judgment as to the vote which I may think proper to give upon the question. I approach the consideration of the noble lord's proposition unfettered, therefore, by any obligations dependent upon my situation in this House, and prepared to decide upon that which may appear to me the real merits of the case. I trust, however, that I may be permitted to claim the merit of never having on any occasion taken any course with regard to the Dissenters, which might indicate any prejudice or bigotry in the judgment which I might form upon their claims for relief. I am sure the hon. member for Norwich (Mr. William Smith) will admit that he has not found in me, at any time, a prejudiced or bigoted opponent at those seasons when he has before brought the question of their situation before the House. And on one occasion, when the Dissenters' Marriage-bill was under consideration, he must admit that I endeavoured to afford him all the assistance in my power towards the accomplishment of his object. I trust, therefore, that I may be at liberty to discuss this question, and to consider its merits in the various views which I may feel it incumbent on me to take of it, without subjecting myself to the imputation of indulging in hostility or bigotry to any class of my fellow-subjects.



I entreat the noble lord, however, to consider, in the very outset, the difficulties under which I and other ministers of the Crown are placed when they approach the discussion of these subjects. The noble lord has no responsibility beyond that which arises from the ordinary duty which he owes to his conscience; but a minister of the Crown must be influenced by other considerations, totally independent of the ordinary claims upon a member of the legislature. He has to bear in mind the effect which these measures may have upon the interests of all the various classes of his fellow-subjects. He is to be swayed by many considerations totally independent of his situation as a member of this House; and he must, therefore, be viewed as approaching the question not as a representative for any particular place, but as a responsible adviser of the Crown. In the first place, then, I beseech the noble lord to observe, that this question, like the Catholic question, though it may have in its favour the authority of some great men who have swayed the House by their eloquence and talent, has had equally strong authorities against it. By the admission of the noble lord himself, Lord Stanhope, about eighty-five years ago, had endeavoured to procure the repeal of these acts, and had failed. Sir Robert Walpole, after him, was favourable to the same question upon principle; but he never could succeed in carrying it. Lord Chatham, who was prime minister of this country, certainly took no prejudiced or unfavourable view of the claims of the Dissenters; and yet, during his administration, nothing material was done in their favour. Lord North, however, took a much higher ground than any minister who has succeeded him, and opposed all concessions, on the point of principle. Then came the discussions in the time of Mr. Pitt, when, in the years 1789 and 1790, the repeal was opposed, both on the ground of abstract right and of expediency. With respect to the opinions of later administrations, I beg the House to recollect, that Mr. Canning, too, expressed his determination to oppose the claims of the Dissenters. I do not say that he was opposed to them on the ground of abstract right; but he certainly did declare, in his place in this House, during the last session, his intention, and I believe, the intention of his administration [cries of "no, no"]. Well, then, I do not mean to add to his authority any of the opinions of those who acted with him; but, at least, it must be admitted that he declared his intention to oppose the Dissenters. To these high names must be added that of Mr. Burke; for although he may be said to have been at the time favourable to their claims, and that his subsequent opposition was founded upon a temporary view of our situation, yet it must be admitted that he opposed them. When the question was discussed in the year 1790, Mr. Burke declared, that, if it had been brought forward ten years before, he should have felt himself bound to support the claims of the Dissenters; but he then saw so much danger to be apprehended to the establishment of the Church of England and the constitution of the country, that he could not consent to repeal the acts of which they complained.

I say therefore, again, that there is not such high authority to be found in favour of the repeal of these acts, as we find advanced in favour of the Catholics; and that a minister of the Crown, charged with the responsibility of protecting all the interests of the country, may be permitted to consider the propriety of their repeal with something like diffidence, when he considers the weight of high names who felt doubts upon the propriety of granting what is now required. That the subject is full of difficulty I am ready to admit; and I trust it will not be supposed that, for the sake of supporting my doubts, I could be guilty of concealing the impression I entertain of the real difficulties by which it is surrounded. A great deal has been said about the Sacramental Test; and I cannot but say, although there was some attempt to sneer at what he said, that my right hon. friend, the Secretary for the Colonies, took a very just view of that part of the subject. At the time when the Sacramental Test was first enjoined, it certainly was not considered either a desecration or a profanation. In fact, it was then usual, even for those who professed themselves Dissenters, to take the Sacrament at least three times within the year; and there was then no objection among Dissenters to communicating with the Church of England, or to take the Sacrament, and I believe it is even stated by Baxter, the great ornament of this body of Christians, that such was the practice amongst the Dissenters. I am ready to admit that this Sacramental Test, which became a proof of qualification for office, and is still a proof of qualification, was not originally intended for that purpose. The whole of the arguments upon that question are, however, exhausted,

in the controversy between Dean Sherlock and Bishop Hoadly, as well as in the various debates which have taken place in this House, and in which Pitt, Fox, and Burke argued upon all the circumstances of abstract right, or temporal expediency, and exhausted the subject. I do not, therefore, think it necessary for me to touch upon them now; but if I admit that the state of the law has undergone some alteration from the lapse of time, in requiring the Sacramental Test to be taken as a qualification for all offices, the Indemnity Act saves those who take it from the profanation which is supposed to be attendant upon the consenting to such an act [eries of "No, no"]. I do not say that it does so in principle; but I contend that it must have that effect in practice. The House ought to recollect, that the Dissenters are in a very different situation now, from the time when it was usual to have a church in London appropriated to the express purpose of qualifying for minor offices; and when those who were to take their turn before the clergyman waited in a neighbouring tavern, until they were called upon to take the test. All this is now saved by the operation of the Indemnity Act, and I cannot therefore see the grievance to be so great as has been contended.

I am not prepared, I confess, to argue that this question is essentially interwoven with the protection of the Church of England. I do not think that the two are so connected, that the Church of England must fall if the Test and Corporation Acts are repealed; but in considering whether such ancient laws as these ought to be repealed, to argue thus—"should we enact them now?"—is not in my opinion, by any means a fair mode of viewing the question. Whether we should or should not enact such laws in modern times, is not the test by which to judge of the propriety of repealing laws in an ancient monarchy like this, where manners and customs may often have grown up and become interwoven with the laws. I must say that the principles on which I am disposed to look at these laws—with the exception of their bearing upon the Catholic question, which I of course exclude—are precisely the same with those that have been laid down by my right hon. friend. With this exception I take the same view of them as my right hon. friend has taken. I think that my right hon. friend's principle is a right one: is there that great practical grievance, that insult resulting to the Dissenters from these acts, which calls upon the House to repeal them? Is there any thing so absurd in these tests as to make the repeal of them necessary? Or are they of such a nature that, if repealed, the Dissenters will be in a better situation? Nothing, in the whole course of this debate, has surprised me more than the enlarged, and I think aggravated, account of the practical grievance which these acts impose upon the Dissenters. I can only say, that so great is my respect for that large and respectable body denominated Protestant Dissenters, that if I could be satisfied that they really labour under such grievances as have been described, I should be very strongly induced to vote for the repeal of the acts complained of. But I do not think that the great body of Dissenters look at them, together with the Indemnity act, as so great an evil as hon. gentlemen have described.

We have been told, Sir, to look at the number of petitions that have been presented to the House. Now, if I were sure that these petitions had been quite spontaneous, and not set in motion by any external influence, I candidly declare that I should be disposed to pay much more attention to them. I am only speaking of them as a proof—for so they have been called—that the Dissenters look upon these acts as an insult and a grievance; and I must say that I cannot think they were altogether spontaneous; but that they are attributable to something else besides this feeling which has been attributed to the Dissenters. If they really felt it a grievance, nothing certainly could be more unfair than to urge their forbearance against them, as an argument why that grievance ought not to be removed. I do not think that my right hon. friend has argued in any such way; but that he merely inferred, from the silence of the Dissenters, that they did not feel the grievance to be so heavy as it has been represented to be, and as it has been said that they did feel it. I confess that I am inclined to draw the same inference. At all events, however, if the number of these petitions which have lately been presented is insisted upon as a strong argument, ought not the silence of the Dissenters to be taken in account the other way?—[An hon. member said, "No"]—The hon. member says "No;" but I beg leave to differ from him. It had been said, "Look at the thousand petitions present-

ed last year, and the six hundred this year"—and I am therefore tempted to ask, how many were presented at former periods? In consequence of what has been said upon this part of the subject, I have had the curiosity to search for the numbers which were presented in former years. I have taken the last ten years, and I will read to the House the number which were presented in each of those years. In 1824, there were four petitions presented; in 1825, one; in 1820, one; in 1817, not one; in 1818, not one; in 1819, not one; in 1821, not one; in 1822, not one; in 1823, not one; in 1826, not one. The whole number, therefore, in these ten years amounted only to six.

But what has been our own impression upon the subject? And here I must call upon the noble lord himself as an authority. In the discussions which have taken place on the Roman Catholic claims, have the hon. gentlemen opposite insisted upon this topic, and urged upon the House the grievance and the insult of which they now complain? Have they ever proposed to remedy it? In the year 1813, Mr. Grattan passed a bill to remove the disabilities of the Roman Catholics, and the professed end of that bill also was, the removal of every civil disability, of whatever kind, on the score of religion. But what was the effect of that bill? It professed to do what I have stated; but, what did it do? Why, the bill actually subjected Catholics in this country to the operation of this very act, which is now said to be an insult and a grievance. The last bill, which was introduced in 1825, by the hon. baronet, the member for Westminster, professed to remove those disabilities altogether; but that bill also left the Roman Catholic subject to the operation of this act in England. I must beg leave to call the attention of the House to the preamble of that bill, which ran as follows:—"And whereas, after due consideration of the situation, disposition, and conduct of his Majesty's Roman Catholic subjects, it appears just and fitting to communicate to them the enjoyment of the benefits and advantages of the constitution and government happily established in this united kingdom, so that all his Majesty's faithful and dutiful subjects may grow into one nation, whereby there may be an utter oblivion and extinguishment of all former dissensions and discords between them, thus consolidating the union between Great Britain and Ireland, and uniting and knitting together the hearts of all his Majesty's subjects in one and the same interest, for the support of his Majesty's person, family, crown, and government, and for the defence of their common rights and liberties, it is provided," &c. Now, when it is considered, that a bill which was to have all these admirable effects never proposed to relieve the Roman Catholics from the operation of the law, of which the Protestant Dissenters are now complaining, I think I am entitled to assume, that the grievances suffered from that law are rather of an imaginary than a practical and real nature. And of the fact, that there was nothing in the provisions of that bill to repeal the law in question, there could exist no doubt. Upon a question raised by a noble lord as to that point, Mr. Canning, the warm supporter of the bill, had said, "Sir; this bill does not tend, as is imagined by the petitioners, to equalize all religions in the state, but to equalize all the dissenting sects of religion. I am, and this bill is, for a predominant Established Church; and I would not, even in appearance, meddle with the laws which secure that predominance to the Church of England. I would not sanction any measure which, even by inference, could be shown to be hostile to that establishment. But I am for the removal of practical grievance. And in this view of the subject, what is the fact with respect to Protestant Dissenters? It is this—that they labour under no practical grievance on account of their religious differences from us—that they sit with us in this House, and share our councils—that they are admissible to the offices of the state, and have in fact, in very numerous instances, been admitted to them; but they hold these privileges subject to an annual renewal, by the annual Act of Indemnity; so with the Roman Catholics, if this bill should pass. They will be admitted only to the same privileges, and they will hold them liable to the same condition." This, then, as I take it, is sufficient evidence that the Roman Catholic Relief Bill of 1825, had never contemplated the relieving the Catholics from the operation of the Test and Corporation Acts, as mitigated by the annual indemnity acts. I shall now offer a few words upon the actual nature and extent of the operation of those acts. An hon. member opposite (Mr. Ferguson) has described, in very powerful and affecting terms, the distressing effect of these acts upon a country towards which no man can feel more cordially than I do—Scotland. I applaud the patriotic warmth (if I may be allowed so to express myself)

with which the hon. member delivered himself; but, at the same time I cannot help thinking that there were points in his statement which were not a little tinged with exaggeration. For instance, in describing the condition of his countrymen under the Test and Corporation laws, with respect to the disposition of civil office, the hon. member said of Scotland, "That she was exposed to horrid penalties, and that her state at the present moment was that of the absolute proscription of a whole nation! Now, I really think that this declaration does go a little beyond the strict fact; and I appeal to my hon. friend beside me, whether that is the real state of Scotland at the present moment? Whether it is not rather an inflamed and exaggerated description? Indeed, the hon. member's anxiety for Scotland in particular is not new. On former occasions great endeavours were made by particular individuals of that country, to obtain an especial consideration for her. Even after the debates of 1789 and 1790, it will be found that Scotland did not entirely despair of making out a peculiar case, and getting a peculiar adjudication; and Sir Gilbert Elliott, afterwards Lord Minto, had brought forward a petition from the General Assembly upon the subject. On that occasion, however, so slight did the real grievance of the question appear, that two noble persons, not likely to be in opposition without especial cause upon such an occasion, Lord Minto the then Lord Advocate, and Lord Melville, voted against the motion. But, Sir, I go farther. The hon. member speaks of "horrid penalties," and "proscription." What are the feelings of Scotchmen generally now upon the subject? Where are the petitions from that country? From the whole of Scotland? There has not been, I believe, a single petition for the repeal of these acts; and even if there had, I should have been prepared with a ready answer to them. Upon the military offices and honours it is not necessary to say any thing. The hon. gentleman says, "You have accepted the services of Scotchmen. You have shed the blood of the 42nd in the Peninsula, and thinned the Scotch Greys at Waterloo. It is reasonable that we should have some reward for our services." Now, no one is more ready to admit the value of those services than I am. But of the higher offices of government, the hon. member complains. "From these," he says, "the Test Act shuts us out." Now, I must take leave to say, that of the present cabinet, composed of fourteen members, three—Lord Melville, Lord Aberdeen, and the President of the Board of Trade—are good Presbyterians, whom these acts nevertheless have not succeeded in shutting out. I desire not to be understood to say one word against a country which, by its native talent and unwearied industry, has raised itself to an honourable eminence among surrounding nations, and towards which, I repeat, no one can feel more warmly than myself; but I do think, that the wrongs done to Scotland by the Test and Corporation Acts, that hon. member, in the ardour of his national partialities, has considerably overrated.

In the same way a noble lord on the other side has intimated that the parties interested in this question were not generally in the highest rank of life; and that, from the mediocrity of their station, their rights are likely to be overlooked or to be forgotten. Perhaps the noble lord has properly described the Dissenters as, belonging chiefly to the middle class; but, nevertheless, many persons of that persuasion move in a very exalted situation; and I fully agree with the noble lord, that the corporate privileges and honours to which those not immediately in that class aspire, are fit and laudable objects of ambition for persons of their condition; such as it is a grievance to be excluded from, and which it is the duty of the legislature to uphold and sanction, rather than to make light of or offend. But, Sir, what is the fact as to the corporate honours? Are the Dissenters practically excluded from corporations? I believe that they are not. What is the practice in the city of London, for instance? I believe that Dissenters are admitted into the corporation of London [cries of "No!"]. I may be mistaken upon that point; but my impression is, that practically I am right [repeated dissent]. Then I am possibly wrong. In corporations, the test of the Sacrament certainly by law is necessary: in the case of admission to government offices, I believe the oath of submission is all that is required. But still I believe that the power which individuals have of putting the test to parties applying for admission to corporations, has not been constantly exercised. For example—an hon. member (Mr. Sheriff Spottiswoode) has just suggested the fact to me, that the very highest officer in the corporation of London—the Lord Mayor—was last year a Protestant Dissenter.

But the next question is this—can it be made at all apparent, what will be the effect of an alteration in the law? Under the existing system, there has, perhaps, been less of religious difference in England for the last forty years, than in the same extent of time at any period of our history. Now, that fact, which an hon. member has treated as a reason for repealing the laws complained of, seems to me to be quite as capable of being made an argument the other way. An hon. alderman informed us the other night, that thirty-nine years ago, in the city of London, a few persons only had the resolution to stand up for a repeal of these acts; while at present there were not more than six or seven who venture to support them. Is not this a proof of the good understanding which has grown up between the Dissenters and the members of the Church of England? An understanding which I should be sorry, by any alteration of the system, to disturb. And it is not at all clear to me, that the Dissenters would gain what they expect by the repeal of these acts. If they excite suspicion and dislike, will they not, as far as the alteration goes, do mischief? The fact is, that the existing law merely gives a nominal predominance to the Protestant established church. A predominance of some sort will be admitted, on all hands, to be necessary, and the present is as slight a one as can well be imagined. Therefore, Sir, I confess I am sorry that I am called upon to vote upon the question, and heartily wish it had been allowed to remain quiescent; practically offensive as I am convinced it is to no one. All the intercourse between the Dissenters and the members of the established church, has been marked of late years by the most perfect cordiality; and I regret that any chance should be hazarded, by which it is possible that that temperate and candid feeling should be weakened. What the issue of the debate of this night may be, I cannot say; but of this I am certain, that I have entered into it with every disposition to assist and protect the real rights and privileges of the dissenting body. If the motion of the noble lord opposite shall be defeated, any sentiment of triumph which I may experience from the success of my own policy or opinions will be greatly abated by the fact, that such a result must be attended with disappointment to a class of persons for whom I have the highest respect—I may add, the warmest feelings of personal kindness.

On a division, Lord John Russell's motion was carried by 237 against 193; majority, 44; after which the House went into Committee on the said Acts.

## POLICE OF THE METROPOLIS AND ADJOINING DISTRICTS.

FEBRUARY 28, 1828.

MR. SECRETARY PEEL rose and said:—

Mr. Speaker; I am desirous of calling the attention of the House to a subject, which at first sight, perhaps, may appear to be limited in its application, and local in its objects; but which, in point of fact, is connected with considerations of the utmost importance to the well-being of the country. I allude, Sir, to the increase of crime which has lately taken place in the metropolis, and the districts immediately adjoining thereto; and to the state of those establishments of police, and to other establishments of a similar nature, which are connected with the prevention of crime, and with the detection of offenders. The greater part of those whom I have now the honour of addressing may recollect, that at an early period of the last session I gave notice of my intention to propose to the House to institute an inquiry into the state of the Police in the Metropolis. The circumstances which led to my retirement from office, prevented my then instituting the inquiry which I wished to pursue; and after Easter it was too late to allow the persons concerned in the administration of public affairs, to prosecute any active or efficient inquiry into the subject. A noble lord, the member for Bandon (Lord John Russell), gave notice of a motion upon the subject, and at his instance a committee was appointed, which had for its object an inquiry into the causes which had led to the increase of crime in the country generally. That committee prosecuted its inquiries for some time, and made a report upon the subject, which contains a great deal of very use-

ful information, and which has laid the foundation of further enquiries, which I trust it is the intention of the noble lord to re-institute in the course of the present session. The inquiries of the committee to which I allude were directed to three objects. First, the cause of the increase of crime in the Agricultural districts; secondly, the cause of the increase of crime in the Manufacturing districts; and, thirdly, the cause of the increase of crime in the Metropolis. The only subject, the only branch of these three divisions, which the committee had, during the last session, leisure to inquire into, was the first of the investigations. No evidence was taken as to the cause of the increase of crime in the manufacturing districts: no evidence was taken as to the cause of the increase of crime in the metropolis. These last two subjects were not at all gone into by the committee, for the reason I have stated.

Now, Sir, I feel, when about to propose a Committee of Enquiry into the state of the Police, and into the state of those establishments which are connected with the suppression of crime, that all enquiry would be necessarily imperfect, unless the House devolve upon that committee the duty of inquiring into the third branch of the subject; namely, the causes of the increase of crime in the metropolis, and the districts adjoining thereto. I therefore feel some satisfaction at having, in the motion which I have now to submit to the House, obtained the entire assent of the noble lord who originally proposed that enquiry, and who, probably, will renew the investigation which he has so happily commenced. In moving for a committee to enquire into the causes of the increase in the number of commitments and convictions in London and its vicinity, Sir, I most heartily wish that it were not in my power to adduce satisfactory evidence of the necessity of instituting such an enquiry. Unfortunately, the evidence of such necessity is too plain, too frequent, and too important, to have escaped any man who has given the slightest attention to the subject. Any person who has the least information with respect to the state of many parts of the districts which border on the metropolis, must be perfectly satisfied that the security for property, and even for person—but particularly the security for property—is not what it ought to be in every well-regulated society; it is not the protection which every subject who gives allegiance to the state has a right to expect. This inference is founded not only upon the experience of all who reside in the neighbourhood of the metropolis, and who have personal knowledge, and correct information, as to the state of many parts of those districts, but it is also drawn from the returns which are prepared at the office of the Secretary of State for the Home Department, and which have already been laid upon the table of this House. These returns, Sir, afford a most convincing proof that there has been, within late years, that increase in the number of committals and convictions for crimes in London and Middlesex, which alone affords sufficient proof, not only of the policy, but of the absolute necessity of some enquiry into the subject. Speaking of the causes of the increase of crime in London and its vicinity, one observation offers itself with respect to the increase of crime in the country generally. I must postpone this branch of the subject until I have disposed of that which I am now upon. Sir, the returns to which I allude contain an account for each year of the number of commitments and convictions to the prisons of London and Middlesex—an account of crimes committed on the population of that part of the Kingdom. From these returns the numbers appear as follow:—

In the year 1820.....	2,773
1821.....	2,480
1822.....	2,539
1823 .....	2,503

So that in these four years, there is no very material variation in the amount of the number of committals, and there was a reduction in the number in the year 1823 of 270, as compared with the year 1820. In the year 1824, there began to be an increase in the number of commitments; and this has gone on progressively until the end of 1827. I mentioned that in 1823 the total number of committals for criminal offences (for I exclude slight cases, such as assaults, offences under the Vagrant

Act, and all crimes of a petty nature, and speak only of higher crimes), was 2,508. The number of criminal commitments in London and Middlesex was,

In 1824.....	2,621
1825.....	2,902
1826.....	3,457
1827.....	3,384

So that in 1826 the increase was rapid; and, although the number of committals in 1827 was less by seventy-six than those of the year immediately preceding, still the increase of the former years was so very large, that the small decrease in 1827, as compared with the year 1826, can be no reason why the House should object or hesitate to institute the enquiry I have the honour to propose.

It is some satisfaction, in looking at this part of the question, to be able to inform the House, that the increase of the number of offences is not an increase of those crimes which are of a more aggravated nature; there is no increase in the number of cases of personal violence, of murder, of assaults upon the person; the increase is solely in the number of those offences connected with property. If we compare the total number of commitments in 1826 with the number in 1820, we shall find the increase to be 684; for in 1820 the numbers were 2778, and in 1826 they were 3457. If we compare the numbers committed in these two years, we shall find that the increase in the cases of simple larceny are more than sufficient to account for the increase in the total numbers. In 1820, the number of persons committed for simple larceny was 1384. The committals of the same nature in 1826 were 2115, being an increase of 734. The total increase of the general number is 684, which shows a decrease in the other species of offences; but, with respect to simple larceny, you will find an increase upon the whole.

The considerations connected with this part of the subject appeared to me of such immense importance, that a short time before my retirement from office I took considerable pains for the purpose of procuring information as to the amount of crime in foreign countries compared with the amount of population, in several large districts and towns in those countries. I have obtained some returns from foreign countries, which, however, it will be difficult to bring into comparison with those of our own country, because in the former the classification is different from that in the latter. The returns which I have procured refer to Berlin, Vienna, Antwerp, Paris, Brussels, Hamburgh, and several others of the largest cities and towns of Europe. I have also procured similar returns from the principal towns and cities at home, such as London, Liverpool, Manchester, Glasgow, Dublin, and Edinburgh. I will allow that such documents furnish rather subjects of curiosity than guides from which any positive inference can be drawn with safety; but I have this morning selected some remarkable facts from a work by M. Peyronnet, who was at the head of the police in Paris. It is limited to the year 1825, but it is drawn up in so admirable a form, and the subjects so ably treated, that it is well worthy the attention of all those who feel inclined to turn their attention to such matters, either in this House or in our criminal courts. It enters minutely into details of the ages of the criminals, the nature of their crimes, the place and time of their commission, and the period at which the cases were tried and finally disposed of, and distinguishes crimes against the person from crimes against property. It is exceedingly curious to observe the comparative state of crime in different districts. I this morning compared the crimes and population of Paris with the crimes and population of Middlesex. The last census of the population of Paris was taken in 1817; but I believe it is admitted upon authority, that between that period and the year 1820, the population of Paris has not increased in any material degree. In 1817, the exact amount of the population within the barriers is stated to have been 657,152 souls. Adding to this the inhabitants of prisons, forty-three military establishments, and the occupiers of hotels (of which there are six hundred and ninety-two within the barriers), there is an addition of 56,794, making the number amount to about 714,000 persons. Adding to these the population in the environs of Paris, amounting to 107,740 persons, the whole population amounts to 821,706. In Paris they have three classes of criminal tribunals. They have; first, the *Cour d'Assises*, which takes cognizance only of the higher description;

secondly, they have the Police Correctionnelle, which takes cognizance of a lighter character; and, thirdly, they have the simple Police, which is presided over by the Juges de Paix. The second tribunals can inflict punishment to the extent of five years' imprisonment; whereas the juges de paix cannot inflict punishment for more than five days, or a fine of more than from one to fifteen francs. It is not easy, therefore, looking at the operation of these three tribunals, to make a comparison between the relative degree of crime in Paris and in London. In 1823, the number of accused brought before the Cour d'Assises amounted to 692; in 1824, the number amounted to 843; and in 1825, to 804. So that, taking this average, we find that the proportion of accused amounts to one in every 1022 inhabitants. This comparison is made with reference to the entire population of the department of the Seine.—There are also some extraordinary statements which show the great difference which exists as to the nature as well as to the extent of crime in different districts. It appears that in large and populous places, out of every hundred offences, ninety are offences against property, and ten against the person; while in thinly-inhabited districts—in Corsica, for instance—out of each hundred offences, seventy-six are against the person, and twenty-four against property. This is a very curious fact; but it is not easy to draw any decisive conclusions from it. It does however, appear, that where large bodies are congregated together, property is most the object of attack; while in thinly-peopled districts, such as agricultural counties, offences arise principally out of malicious feelings, and other motives of a personal nature, and are for the greater part offences against the person. In some part of France the number of accused are as one in a thousand, while in other parts of France they are as one to 27,342. These are the extremes of crime in that country.

I now turn to the population of London and Middlesex, and I find that in 1821 it amounted to 1,144,531, viz.

London.....	125,434
Westminster .....	182,085
Middlesex .....	837,012
	<hr/> 1,144,531

The average of criminal commitments for the three years 1823, 1824, and 1825, was 2,700, or one person in 423. Whereas, in the last two years, the average of criminal commitments was 3,400, out of a population of 1,300,000 persons, or one person in 380. From this it would appear, that the comparison I have made is in favour of Paris; but I do not believe that it is so in point of fact, seeing that the returns of crime are made only from the highest criminal tribunals.—If bon. members looked to the numbers brought before the Police Correctionnelle, they would perceive the difference. In 1825 there were no less than 4,432 persons brought before this tribunal, for such offences as combinations, swindling, defamation, and assaults. It also includes the offence of simple theft; and, of the above number, 1,206 were accused of this last offence. If I add this number to the 800 I have already mentioned, it would make 2,000, which, in a population of 821,000 persons, amounts to one person in 410. So that, in point of fact, there is no material difference in the comparative state of crime in London and Paris in the years 1823, 1824, and 1825. Unfortunately, in the last year, 1827, there was a great increase in the number of offenders, as the following document will show:—

The number of criminal offenders committed for trial to the different jails in England and Wales, has progressively very much increased within the last eighteen years. In the year 1809, they amounted to 5,146 only. In 1826, they had increased to 16,147; and, during the year 1827, the number has still further increased to 17,921, or 1,774 more than the number in the preceding year.

In the last year the increase in forty-four counties amounts to 1,931. There is, however, a decrease in six counties (and in Bristol) of 167, which makes the nett increase of 1,774, as above. In two counties the numbers in the two last years are the same.

The numbers in 1827, as compared with the preceding year, have increased thus—Convictions, 1,469; acquittals, 141; no bills found, &c., 164: total increase, 1,774.



Sentenced to death, 326; transportation, 462; imprisonment, 681: total increase of convictions, 1,469.

The number of persons convicted of and charged with burglary, has increased in the several counties 96 in the last year, excepting in (London and) Middlesex, the number therein is rather less than the preceding year. The number of persons convicted of and charged with the following crimes, has also much increased during the last year—namely, house-breaking, 132; cattle, horse, and sheep stealing, 139; forgery, 44; coining, 13; robbery of the person, 26; larceny from the person, 26; embezzlement of property of their employers, 10; frauds, 53; receiving stolen goods, 126; offences under Lord Ellenborough's act, 35; and offences under the game-laws, 102.

Sir, I have to beg pardon of the House for entering into these details [hear, hear!] I am aware that they are subjects more peculiarly fitted for the attention of the committee; but, upon a question of such importance, I acknowledge I am anxious to furnish the House with all the information I can, in order to enable it to adopt a sounder system than exists at present upon this question. The objects which I propose for the consideration of the committee, are the causes of the increase of crime and the state of the Police of the metropolis and its vicinity. I am sure that the noble lord, who last year introduced one branch of this subject, would, if called upon, find it difficult at once to decide upon the causes of the increase of crime at present. For my own part, I consider that it is to be attributed, in some measure, to the exposed and insecure state in which property is placed in many parts of the metropolis, and to the facilities which are afforded of removing it from one part of the country to another—in a word, to the increased means of committing and concealing the commission of an offence, and to the increased ingenuity of those who live by preying upon their neighbours. A person who thinks proper to exercise his ingenuity in this way, has better opportunities of seizing on property than its owner has of properly securing it. I must confess that I am not very sanguine with respect to the benefits to be derived by this committee. I much fear that the noble lord who took so active a part on a former occasion, and who, I hope and trust, will again devote his time and attention to the subject, will find that the evils complained of have a much deeper root than a want of employment. It will, I have no doubt, be found that those evils are produced by different causes in different districts. In agricultural counties, one cause of the increase of crime will be found to be the Game-laws. This is a subject which no doubt calls for enquiry; but the more I look into the subject, the more I feel convinced how unsafe it is to rely on any one cause as the origin of the evils of which we complain. And sure I am, that any man who looked to the Game-laws as a main cause of the increase of crime, would act under a delusion. Let hon. members look to the increase in counties which are not game counties, and they will perceive that the evil must have its origin in other causes. The Game-laws are, I repeat it, one cause; and one which is a fair object of enquiry; but we must also look into the many other causes which I have no doubt will be found to exist. Let me ask for a moment, what effect the Game-laws can have upon the increase of crime in the metropolis? It would be absurd to imagine such a thing.

Amongst those other causes which appear to me to bear upon the general increase of crime in a far stronger degree than the state of the Game-laws, is the state and operation of the Poor-laws in some of the counties. In many counties, it is well known, that the rate of wages is so low as to require that the deficiency should be paid out of the Poor-rates. This I consider to be a most injurious practice; it operates to destroy that independence of mind which is the foundation of moral character, and it is still further objectionable as a most expensive and circuitous mode of payment. It is probable that the committee will find the cause I have just stated to be of much more extensive operation than many of those which it was usual to assign. At the same time I much doubt, Sir, whether this effect of the Poor-laws will be found to have operated in this way in London and Middlesex; on the contrary, I fear that the increase of crime in these districts will be found to have arisen from causes upon which I fear to speculate, and upon which it will, perhaps, be better that I should reserve my opinions until an opportunity presents itself of entering fully into the proposed enquiry. I am decidedly of opinion, how-

ever, that we can, by a speedy enquiry, apply some remedy though not a complete one—and the sooner we set about that enquiry the better. An amendment of the police system, although it cannot prevent the evils we complain of, may yet go far towards correcting them. But while I express this opinion, I must confess that I despair of being able to place our police upon a general footing of uniformity; I cannot hope to take St. Paul's as a centre, and have a radius of ten miles, in which our police could be able to act in unison. Let the House but consider for a moment, that the metropolis consists of three divisions—Southwark, London, and Westminster. Those distinct and discordant jurisdictions tend to produce any effect rather than the decrease of crime. The worst too of it is, that any interference with these jurisdictions, say, for instance, that of London, will hardly fail to be met with jealousy. I observe that the worthy alderman opposite (Wood) shakes his head at this observation, and I hope I may infer from the motion that the city of London, of which he is a representative, is not unwilling to permit an interference in the regulation of its police. I hope I may infer from it, that he is prepared to give up the privileges claimed by the city of London on this subject. [Alderman Wood said, across the table, "I do not think any such concession necessary."] No, I only wish to improve, not to take away, the jurisdiction; and I shall place the worthy alderman in my committee, where I expect considerable benefit from his assistance. I hope this will satisfy him, that if I wish for alteration in the jurisdiction of the city of London, as it regards the management of the police, it is only with a view to improvement. Allowing, for the sake of argument, that we have a tolerably good police during the day, when its services are not so necessary, I must be permitted to observe that at night, when we most stand in need of its protection, it is most defective. The defect proceeds from the want of a uniformity of system; each parish proceeding for itself during the night, in a manner that is very imperfect. It necessarily follows, that separate establishments must be imperfect; and a strong, and perhaps proper, disposition existing in each parish to administer the parochial affairs with great economy, the police of the night is left in a condition scandalously deficient; so that at last, in consequence of its imperfect state, crime has full scope to increase, and private property becomes endangered. Honourable gentlemen have only to look around them to observe what a change has taken place, of late years, in the environs of the metropolis. Within that time our suburbs have grown up to an extraordinary extent; yet no adequate provision has been made for the safety of property, or the administration of criminal justice within their limits. The whole reliance of the inhabitants of those districts is placed—not on the police magistrates of London, who are too distant, and too much occupied to afford them assistance—but on such gentlemen as reside in the neighbourhood, and are inclined to act in the commission of the peace. But in some places individuals have to travel seven or eight miles to procure the interference of a magistrate; so that many, balancing the loss of time, the expense, and the inconvenience attending prosecutions, make up their minds to put up with the injury they have received, and abandon all attempts at redress. If a banker lose a sum of £3000 or £4000 by a coach or other robbery, he adopts a different course, and has, therefore some chance of a remedy. The compounding of felony is another practice, of which I hope it is unnecessary to say I disapprove. I was applied to, a short time since, by a party from whom an enormous sum of money had been stolen, and was requested to offer his majesty's pardon to any of the accomplices who would give evidence of the robbery; but I at once declared, that I would never impose the prerogative of his majesty on any such occasion, unless I received a full assurance that the parties would ultimately prosecute. I have also uniformly opposed myself to any thing like compounding of felonies, of which we have had not a few examples within a recent period. I am aware that the subject is one extremely difficult to be reached by means of legal enactments; but if penalties can be so framed as to prevent the practice, I shall be extremely anxious for their adoption.

In a metropolis where proper facilities are not afforded for the administration of justice, on account of the absence or inefficiency of the magistracy, increase of crime is the necessary result. Without attempting to point out, at the present moment, the particular remedies which it may be desirable to apply, I will observe generally, that I should feel much disposed to follow the example of Scotland in regard to pro-

secutions, and not throw upon the poorer classes, as is the custom in this country, the charge of vindicating themselves against the attacks of offenders, by a costly and tedious appeal to the laws of the country. When a man loses ten pounds, if he find that it will cost him twenty pounds to prosecute the plunderer, the chances are that he declines to do so. Until, therefore, criminal justice shall be made cheap and easy to the sufferer, crime may be expected to increase. In Scotland, an individual is released from the necessity of prosecuting a criminal, by the appointment of a public officer for that purpose, who, apart from malice and private considerations, is bound to execute his duty with impartiality and firmness. But when an individual is obliged to prosecute, as is the case in this country, at his own hazard, prudential considerations may induce him to refrain from bringing the offender to justice. I throw out these hints as matters which I think worthy of the consideration of the House as well as of the committee; although I do not believe that any effectual remedy can be devised by which the evil can be cured. The introduction of such a system would cause too great a change in our whole internal system. But when the committee have fully sifted the whole question, they will find that the time is come when these things ought to be gravely and seriously looked at. My immediate object in proposing this committee, is an enquiry into the causes of the increase of crime in the metropolis and its vicinity, and into the state of the police of the metropolis. There are so many points of enquiry into the general question, that I think I am doing best, by limiting it, in this way, on the present occasion. But I entreat hon. members, and particularly those who live in agricultural districts, to look seriously to the points upon which I have found it necessary to touch. Sir, I think—and it is useless to disguise the fact—that the time is come, when, from the increase in its population, the enlargement of its resources, and the multiplied development of its energies, we may fairly pronounce that the country has outgrown her police institutions, and that the cheapest and safest course will be found to be the introduction of a new mode of protection. Why, I ask, should we entrust a grocer, or any other tradesman, however respectable, with the direction and management of a police for 5,000 or 6,000 inhabitants? Why should such a person, unpaid and unrewarded, be taken from his usual avocations, and called upon to perform the laborious duties of a night constable? I say, Sir, that he has no reward; or, if he have a reward, he has it from improper sources; and this, I contend, is an argument in favour of the enquiry I propose. I am aware, Sir, that abuses exist in the watch and police systems. I am aware that, after having employed a man for twenty or thirty years, they know not what to do with him, or how to provide for him, and therefore they continue him in his employment, no matter how unfit for it he may have become.

I shall now, Sir, allude shortly to certain documents which I shall feel it my duty to lay before the committee. These documents show the increase of crime in England and Wales in 1827, compared with 1826. Sir, it is of no use to deceive ourselves; it is of no use to shut our eyes against what is passing around us, and to praise ourselves upon our superior morality and Christian virtues. It is our duty to look around us, and to provide, so far as in us lies, remedies for the evils with which we are surrounded. By doing this, we shall best consult the interests of the country at large. In order to show the House the state of crime in the metropolis, I shall take leave to read the amount of commitments within the last few years. In 1823, the total number of commitments in England and Wales was 12,263; in 1824, it was 13,698; making an increase of more than 1,400 criminals. In the next year, 1825, the number was 14,437; making a still further increase, in the last year, of 739. In 1826, the number was 16,147; in 1827, it was 17,921; making an increase of 1,774 in the last year. From these statements, Sir, it is evident that there has been an increase of crime, in the last five years, to the amount of 5,000 persons. This, I say, is evident from the documents I have just read. The last contains the number of commitments in 1826, as compared with those in 1827, showing the decrease which has taken place in several counties. Perhaps the House may have the curiosity to know what are the counties in which a decrease of crime has taken place. In those counties (although there has been a general increase of 1,774 in the sum total of the commitments in England and Wales for the last year) there has been a decrease within the last year as compared with the former year, in the amount of commitments. These counties are Devonshire, Gloucestershire, the city of Bristol, the

counties of Huntingdon, and Middlesex, and London, in which the decrease is as great as 76; and lastly, the counties of Rutland and Surrey. The total decrease is only 157, and out of that number the counties of Middlesex (including London) and Surrey furnish the proportion of 112; so that in the other counties the decrease has been but very slight. On the other hand, there has been an increase in several counties of so large a nature, as far to exceed the decrease to which I have just referred. That increase in 1827, as compared with the number of committals in the same counties in the preceding year, may be thus stated:—In Cheshire the increase has been 82; in Lincolnshire, 108; in Lancashire, 85 (a number not very large, considering the population of that county, and the peculiar circumstances in which that population are placed); in Somersetshire, 156 (an increase larger than that which has taken place in any other county of the same size); in Staffordshire, 121; in Yorkshire, 227; and in Worcestershire, 81; by which, together with other counties, the increase amounts in the gross to 1,774. These, Sir, are some of the counties in which the increase has taken place; but in all of them that increase has been considerable. In Kent and Cardiganshire, by a curious and fortuitous circumstance, the relative numbers have continued precisely the same. From this enumeration I do not attempt to draw any of those inferences, for which it seems to offer so wide a field, and which theorists are so ready to adduce. It seems to me, that none can be safely drawn from them, either upon the general subject of distress, on that of the Game-laws, or on that of the facility of commitment, without, at the same time, taking into consideration a vast many points of enquiry, too numerous for me to touch upon at present.

These, Sir, are the points which appear to me to deserve the strictest examination, and which I have no doubt will obtain such examination from the committee which a noble lord had got appointed last session, to enquire into the causes of the increase of crime in the country; and from the returns which I have this night read to the House, and from others of a similar nature which may afterwards be moved for, I think that the causes may hereafter be ascertained very satisfactorily. I ought to apologize to the House for having intruded so long upon its patience; but the deep interest which I naturally take in this subject has led me into a larger field than I ought, perhaps, to have traversed, seeing that the enquiry which I am about to propose is limited to the causes of the increase of crime in London and the vicinity, and to the state of the police for its detection and prevention. I feel, however, that the subject matter of the enquiry is connected with objects of such deep importance, not merely as they regard the security of individual property, but also as they regard the morals and habits of the entire population, that it will be my excuse for having trespassed so long on the time of the House. I now move, Sir, "That a select committee be appointed to enquire into the causes of the increase of the number of commitments and convictions in London and Middlesex for the year 1827; and into the state of the police of the metropolis and the districts adjoining thereto; and to report their observations thereupon to the House."

Several members having spoken to the question, Mr. Secretary Peel replied, and observed, that the hon. baronet (Sir Francis Burdett) was mistaken when he supposed that nothing had taken place subsequent to the report of the committee, of which he had just spoken. He believed that every one of the regulations proposed had been carried into effect. An act had been passed for the improvement of the prison-discipline, and all the provisions of that bill had been acted upon; also an alteration had taken place with respect to the licensing system. An hon. member had complained, that the proposed alterations were only to extend to London and Middlesex; but the hon. gentleman had not understood him aright. His motion was proposed to extend to the metropolis and the districts adjoining thereto; which would of course include a portion of Surrey, Essex, and Kent. When, however, he had referred to the state of crime, as the only documents he had were furnished from the Old Bailey, he had of course been obliged to confine himself to London and Middlesex. He was sorry that the fourth hon. member for London was not present, as no doubt he, like the three worthy aldermen, would have stood up to vindicate the city of London; but he could assure those hon. gentlemen, that he never had the least intention to cast the slightest reflections on the police of the city. All that he had said was, that instead of the police of London being on a concurrent principle, it appeared

to act on an exclusive one. With respect to the crowded state of Newgate, that would have been remedied long since, had it not been for a doubt that was entertained, that by a prescriptive right, arising from long custom, the recorder's report ought to be taken within the limits of London. Steps, however, were taken to relieve the pressure without delay. He had only to observe, that in constituting this committee, he had been anxious to select those magistrates who had been most active in their respective counties. Several very active members were already too much occupied upon the finance committee to give this the benefit of their labours.

The motion was agreed to, and a committee appointed.

## TEST AND CORPORATION ACTS.

FEBRUARY 28, 1828.

Lord J. Russell moved the order of the day for the House resolving itself into a Committee of the whole House to consider further of the Test and Corporation Acts. The noble lord observed, that there was another act which he wished to be referred to the committee, namely, the act of the 16th Geo. II., for indemnifying from penalties individuals who had not qualified, according to law, for certain offices. This proposition having been agreed to, the House went into the committee, Mr. Spring Rice in the chair.

Lord John Russell then addressed the committee, and concluded by moving, "That so much of an Act of the 13th of Charles II., entitled, 'An Act for the well-governing and regulating of Corporations, and so much of an Act of the 25th Charles II., entitled, 'An Act for preventing dangers which may happen from Popish Recusants,' and of another act of the 16th Geo. II., for amending the last-mentioned act, as require the person or persons in the said acts described to take or receive the Sacrament of the Lord's Supper according to the rites or usage of the Church of England, for the purposes therein expressed, or impose any penalty, forfeiture, incapacity, or disability, by reason of any neglect or omission so to do."

In the debate which followed,—

MR. SECRETARY PEEL said, that when it was considered that it was not until two o'clock on Monday morning that the motion of the noble lord was carried by a majority of forty-four, he thought that a longer period might be permitted to intervene between the success of that motion and the renewal of a discussion in the committee on the important subject to which that motion referred. For himself, he begged to declare that he had been so engaged during the last two days, that he had neither had time to consult with others upon the subject, nor of forming his own opinion conclusively upon it. But, after the decisive majority with which the motion had been carried, he would put it to the noble lord whether, for the sake of having his measure followed up with final success, he would not be disposed to accept some alternative, instead of the absolute and entire repeal of the Test and Corporation Acts. The noble lord should bear in mind, that many members who voted for his motion on the former night, voted only for going into a committee upon these acts, but abstained from pledging themselves to go the full length of a total and unqualified repeal of them. To ensure the continued support of those members, it would be worth while to consider whether some mode short of repeal might not advantageously be adopted. Another inducement to the noble lord should be found in the natural anxiety the whole House entertained, that those religious animosities which had been alluded to might be entirely removed, instead of being increased, as they would be, if the measure adopted by the legislature was not one of general satisfaction to the whole community. Again, if the redress of a real practical grievance were the object of the noble lord, and not merely the triumph of an abstract principle, would it not be desirable to shape the measure in such a manner as that it would meet the concurrence of both branches of the legislature, and not set them in collision on a subject which might exasperate feelings which they were all anxious to allay. In offering these suggestions, he wished again to be understood as neither having concerted with others, nor having yet matured his own opinion upon it. The great point which had been objected to by those who sup-

ported the repeal, was the principle of the law which made the Sacramental test a qualification for office. This was said to constitute the material grievance; for although, in admission to certain corporate offices, this qualification was not enforced, yet in other corporations it did operate as a practical exclusion from these offices. Although the law in some instances was overlooked and Dissenters admitted, and although in a few corporations it was enforced, yet these few instances did not show the whole extent of the grievance; for, in many instances, the apprehension of the penalty being called into existence prevented many Dissenters from aspiring to offices for which, but for such apprehension, they would become candidates. It was difficult, therefore, and indeed almost impossible, to ascertain the extent of the practical grievance. This point was forcibly urged on the former evening. In stating this ground he admitted it was entitled to the utmost attention, and therefore he suggested the expediency of not precipitating a decision to-night. There was, besides this, another objection. The preamble of the bill was not in unison with the different clauses, but this he would not enter into at present; he would only appeal to the noble lord, if he would be content with the suspension of the acts, so far as regarded the Sacramental test, with the view of obtaining the consent of the whole legislature; and whether it would not be better, in order to put an end to a practical evil, to agree to a measure, though less perfect than might be wished, for the purpose of meeting the wishes of the two houses of parliament. At all events, he thought the question ought to be open for discussion; that no pledge should be given by any member on either side, and that, above all, every thing should be avoided which could excite animosity or angry feelings. He therefore appealed to the noble lord, whether it would be prudent to come to a decision on such an important question, after only a few hours' consideration; and hoped that the House would agree to postpone the discussion at least for a few hours.

Late in the evening, Mr. Peel said he hoped that the noble lord would postpone his motion for three or four days. The resolution declared that it was the opinion of the committee, that the acts should be repealed; therefore, if a bill were brought in upon the report of that committee, it would be inconsistent afterwards to introduce a clause by which the acts were only to be suspended.

And, again, Mr. Peel said he regretted the continuance of the debate, as it seemed likely to disturb that harmony which had characterised the earlier stages of their proceedings; but he put it to the noble lord whether a short delay would not be the most consistent? After the unforeseen majority, he was not prepared, and he believed that many other members were not prepared, to say what course it would be most proper to adopt. By the unexpected decision which the House had come to, it became desirable that it should suspend further proceedings for a short time, to consider the whole bearings of the question, and the consequences of that decision. The noble lord would not prejudice his view of the question by consenting to the delay. If he (Mr. P.) had now intended to bring the question of suspension or repeal to a decision, he would have given the noble lord notice. But he had not considered the subject sufficiently. He could not yet say what would be the best course to adopt, for he had strong objections to adopt the suggestion, that an oath should be substituted as a protection for the Church establishment.

After some remarks from other members, Lord Milton exclaimed—Away with these idle pretences; which those who made them knew were pretences; their only object being to regain the vantage ground they had lost, and by delay, to defeat the Dissenters, and not the Dissenters only, but the best interests of the Church!

Mr. Peel warmly repelled the noble lord's imputations; and declared, upon his honour, that they were wholly foreign to his motives. He had been most unjustly accused of not being actuated by a conciliatory spirit in this discussion. All he would say was, that, after what had passed, he would not only not propose suspension, but would not even accept delay; although that delay were proposed for purposes which, if his proposition had been accepted in the spirit in which it had been made, might have turned out satisfactory to all parties. He would leave the noble lord to take the course which his judgment pointed out to him; declining any delay, but reserving to himself the right, at any future stages of the bill, to adopt such measures as might appear to him advisable.—The right hon. gentleman shortly after left the House.

Several members having spoken briefly on the subject, Lord Milton said he was sorry for what had occurred. He had no intention to excite anger.

The resolution was then agreed to. Previously to which several of the ministers retired from the House.

Mr. Littleton said a few words; after which Colonel Davies expressed his opinion, that they who allowed paltry, petty, and personal, feeling to interfere with the broad path of their duty, were unworthy of a seat in that, or in any other House.

Sir G. Warrender declared, that if any circumstance could induce him to withdraw his confidence from an administration, it would be the circumstance he had just witnessed; namely, the secession of ministers from the House.

At the close of a few observations from Mr. V. Fitzgerald, Mr. Peel re-entered the House.

Lord F. L. Gower said, that the hon. baronet had announced the probability of his withdrawing his valuable support from a minister who was liable to moments of irritation. Now, he must say, that if he found his right hon. friend to be a minister whose blood was so cold that he could not rise under an unmerited attack—under the imputation of acting on false pretences—he, in his turn, would withdraw his support from him. In his right hon. friend's secession from the House under the circumstances that had taken place, he entirely concurred. He (Lord F. L. Gower) did not take the same course, because, though he had voted in the minority on the former evening, yet, seeing the majority against his view of the question, he would, if called upon to decide between suspension and repeal, undoubtedly give his vote for the latter. For these reasons he did not follow his right hon. friend, upon whom, in his absence, the gallant officer had chosen to make a personal attack.

Sir G. Warrender said, that when he commented on the departure of his right hon. friend, he was not aware that he had declared his intention of not voting on the question. He was not apt to give way to feelings of irritation, but he supposed that, on this occasion, he had caught the infection. If he had said any thing objectionable, he was sorry for it.

MR. SECRETARY PEEL said, that he was occupied very agreeably up-stairs when the intelligence was conveyed to him that his gallant friend was ready to withdraw his support from the government; nevertheless, he did not allow the intelligence to disturb his repast. The fact was, that having fasted since nine o'clock that morning, and being completely exhausted, he had retired to take some refreshment. He had returned to listen to the attack which was made upon him, but he feared that he should again provoke the indignation of his gallant friend by pursuing the same course by which it had been excited; for it was his intention to leave the House when the question should be put, if it had not already been put from the chair. When he left the House, he intended no disrespect to the noble lord, or to the committee.

The House resumed; and the report was ordered to be brought up on Tuesday, the 4th of March.

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## STATE OF THE COURTS OF COMMON LAW.

FEBRUARY 29, 1828.

Mr. Brougham moved the order of the day for resuming the adjourned debate on the motion:—"That an humble address be presented to his Majesty, respectfully requesting that it may be his majesty's pleasure to cause a commission to issue, to enquire into the abuses which have been introduced in the course of time into the administration of the Laws of these Realms, and of the Courts of Common-law, and to report on what remedies it may seem fit and expedient to adopt for their removal."

In the course of the long discussion which followed, MR. SECRETARY PEEL said, it had struck him that it would be some advantage to the House, at the present period of the debate, especially after the subject of the administration of law in the colonies and other topics had been introduced, which did not strictly apply to the question before the House—if he took that opportunity of explaining to the House the advice that it was the intention of the government to

give to the Crown, with respect to the motion which the hon. and learned gentleman had submitted to the House. If he had understood the speech of that hon. and learned gentleman aright, it seemed to be rather an explanation of his general and particular views on the topics concerning which he thought it proper to recommend an alteration, though he had not laid down in what those alterations were to consist. He believed that the motion of the hon. and learned gentleman was, "That an humble Address be presented to his majesty, praying, that he will be graciously pleased to issue a commission for enquiry into the defects, occasioned by time and otherwise, in the laws of the realm of England, as administered in the courts of common law, and the remedies which may be expedient for the same." Now, it appeared to him, that it would have been more consistent with the objects of the hon. and learned gentleman, and with the practical results which it was hoped would be derived from the measure, if some limit were laid down as to the extent of the enquiries of the commission. The hon. and learned gentleman had, indeed, himself pointed out some branches of the law which he thought it desirable not to touch upon, because they had already been taken up by others. In the first place, he had given up the courts of equity, because the equity question had been long placed in the hands of an hon. and learned member, and had been so well attended to that it was unnecessary for him to interfere with it. Secondly, he had abandoned the commercial code. That was a very important part of the law of this country; but that branch the hon. and learned gentleman, in express terms, left out. The third branch which he had cast aside, was the criminal law of this country. That branch also the hon. and learned gentleman had excluded; and, in stating his determination not to interfere with it, he had expressed a hope that it was not his (Mr. Peel's) intention to abandon that course which, four years ago, he had taken, for the purpose of ameliorating that portion of the law. Now, he could assure the hon. and learned gentleman, that he had not the least intention to abandon his labours with respect to the improvement of the criminal law. He had found, on his re-appointment to the situation which he now held, that during his absence from office one branch had been prepared—he meant that which referred to offences relating to the person; and he could therefore state, that the alterations proposed on this subject would certainly be submitted to parliament in the course of the present session, though he believed that the first steps on the subject would be commenced in the other House of Legislature. The House would probably bear in mind, that it was no very long time ago since he had introduced a bill for the purpose of consolidating the enactments relative to juries, so that now all the former statutes were repealed, and embodied in one. He had likewise introduced a bill for the purpose of bringing all offences against property within one statute, and for embodying the malicious injury of property in another; so that now, in short, the whole law of offences against property was contained in two acts. There still remained, however, two important branches which required to be introduced to the notice of the House, as belonging to the criminal law of the country. One of those branches was the offences against the person, of which the proposed modification was already prepared, and nearly ready to be submitted to parliament; and the other was the law of forgery, which latter was a most important topic, and might therefore probably soon call for the attention of the House. An hon. gentleman had complained of the great increase of the Statute-book; but he thought that if that hon. member would take into consideration the bulk, which was certainly the most important point, he would find that by the arrangement, which had been adopted at his suggestion, there was not above one statute now for ten times that number formerly, and that the diminution in size was still more considerable, by means of the consolidation which had been carried into effect.—According to the view that had been taken of the subject by the hon. member who had spoken last, an important branch had been excepted from the examinations of the commission, which he seemed to think might have been introduced with advantage. Now, he was quite ready to admit the importance of the branch alluded to; but he did not think that questions of this sort, which applied to foreign and colonial interests, could be properly considered as coming within the enquiries of the commission. As far as he could see, its tendency would be to divert the attention of the commission from objects more immediately within its pursuit, and to make the commissioners, by calling upon them to



investigate a subject, the evidence and facts of which were scattered and far removed, entail a heavy burthen of expense upon the country, without any adequate gain being derived from it.—He also doubted the prudence of forming the commission on the plan laid down by the hon. and learned mover, especially as he thought the appointment of one committee not sufficient, if the law of real property, and the practice of pleading before the superior courts, were both to be topics of enquiry. He felt bound to state his express opinion, that it would have been much better to have confined the views of the commission to some definite objects, and to have had two commissions instead of one. This arrangement appeared to him to be much preferable to the one proposed; for though it was an old saying—and a saying for which they had sacred authority—that “in the multitude of counsellors there is wisdom,” yet he doubted whether a number of commissioners were more likely to arrive at wise conclusions than a few. He thought it would prove, that the commission would be so encumbered, that continual derangements would take place, from there being so many different views to be brought together. It appeared to him, that if the commission was to consist of five members instead of so many, much more business would be got through, and in a much more effectual manner. Of course he did not mean to say, that in thus limiting their number, they were to decline receiving such assistance as might be proffered by others; but he was sure that there were many important branches of the law which must become objects of enquiry, that would derive infinitely greater benefit from one or two professional persons, than from a much larger number of persons who were unacquainted with the proceedings that would be examined into. The reports of those professional persons might be embraced in the report of the commission; and he was therefore sure, that if there were two commissions appointed the number would be sufficient. Supposing that the progress of actions through the superior courts of law were to be the object of enquiry for the one commission, and the transfer of real property—or in other words, and more common acceptance, conveyancing—the object of the other, it was clear that greater expedition would be obtained than if one commission had to labour through the vast mass of evidence that those two objects united must necessarily produce.

He was also desirous that, when the commission should issue, the Crown should not be precluded from making an enquiry, by its legal advisers, into other objects by which it was possible that much good might be effected, without any additional expense being incurred: and he might more particularly allude to one part of what he thought might well become a portion of its enquiry, which was the alteration of the terms from the order in which they now stood. He did not believe that on this question there would arise any great difficulty; for, as far as he knew, the concurrent opinion of every lawyer was, that such an alteration would be highly expedient and advantageous. The only present difficulty was, that the leisure which occurred at Easter should extend to the bar; and he thought that this might be arranged by the Crown, without the aid of a commission.—With respect to what were to be the objects of the enquiry of the commission, he thought it desirable that the House should fully understand what questions were likely to devolve upon it; because, when the House should once be in possession of what were to be the principal objects to which the commission was to direct its attention, they would be able to understand that any discussion at present upon those points would be premature, and that much time would necessarily be saved to the House, by the postponement of the discussion of any question which it should, on all hands, be agreed was a fit object to be referred to the commission. He could assure the hon. and learned gentleman, that he was by no means jealous of the enquiry that he proposed to institute; all that he was anxious about was, that it should be fully defined what were to be the objects which the commission was to have in view; and it was with this feeling that he thought an address such as the following might be substituted for the one which had been proposed by the hon. and learned gentleman—“That an humble Address be presented to His Majesty, respectfully requesting that His Majesty may be pleased to take such measures as may seem most expedient for the purpose of causing due enquiry to be made into the origin, progress, and termination, of Actions in the superior Courts of Common Law in this Country, and matters connected therewith, and into the state of the Law regarding the transfer of Real Property.” He had certainly made up his mind in favour of there being two commissions, and he thought that it

would be much better to try the matter that way, than by the introduction of bills into the House. With respect to the Writs of Error Bill, which had been introduced last session, looking at it abstractedly, he could see no objection to it; but, unless other alterations were carried into effect to bear that Act out, it would be of no use.

There was one part of the hon. and learned gentleman's speech which he had heard with much regret, because with respect to it he conceived that his proposition was totally inefficient for any practical purpose. He alluded to what the hon. and learned gentleman had said with respect to the great body of the magistracy of this country. For his own part, he knew not how the appointment of the magistracy could be placed in better hands than in those of the highest officer under the Crown; and, in the appointment, he could not see how that high officer could discover the fitness of the individual, except through the medium of some local authority. To suffer such a duty to devolve on the judges would be, in his opinion, infinitely more open to objection than to leave it to the Lord Chancellor. He knew that, with respect to the sheriffs, the judges' opinion was taken; but he did not believe that any advantage was derived from that fact; and indeed how could there be, when it was considered how very short the stay of each judge was in the county while passing round on the circuit—never exceeding a week, or, at most, a fortnight at a time? He therefore thought he might safely say that the nominations of the sheriffs, as practised at present, offered no inducements to transfer the appointment of magistrates from the *custos rotulorum* of the county. The hon. and learned gentleman, in finding fault with the system of the unpaid magistracy, appears to have rested the principal strength of his argument on this point, contending, that if the chancellor appoint the magistrate, at least his choice should not be derived from the lord-lieutenant of the county to which the magistrate belonged. In examining this question, it would only be necessary to compare the state of England with that of Ireland. In the latter country, as there was more than one person from whom the necessary recommendation came, no one was looked upon as responsible; and the consequence was, that persons were elected who never could have obtained the office had the regulation been the same there as it was in England; and he had always felt that, if one responsible officer could be found in Ireland similar to the lord-lieutenant here, it would be a great improvement in the magistracy of that country. In the course of his argument, the hon. and learned gentleman had contended, that half of the mischief of the system was, that the act that was done was not the act of any particular individual, by which two-thirds of the moral responsibility were got rid of. But what would the hon. and learned gentleman have in the place of the present system? He believed that there were in this country about four thousand five hundred magistrates, and though he believed that there might be individual instances of misconduct in members of this numerous body, yet he knew, from experience, that there was no body of men so jealous of the behaviour of the members of their corps as these very magistrates: in most of the complaints that were made of the obnoxious conduct of individuals, it happened that the charge was brought forward by some of his brother magistrates, in order that the subject might be fully investigated; so jealous were they of the honour of their body, and so anxious that no misconduct should escape punishment—no offender pass unnoticed—without bringing the penalty he deserved on his head.

With respect to the licensing system, there certainly might be some abuses of it; but how would that be improved by the judges having a control over the appointment of the magistrates? And, if this were so before any alteration took place, the hon. and learned gentleman ought to show what was the local authority on which he intended to confer those powers which were at present vested in them. In touching on such important and extensive subjects as these, it was necessary to look at the whole system: it should be first enquired whether it deserved to be condemned, and then what system might advantageously be proposed in its place. For his own part, he thought that the supersession of the magistrates who were at present acting throughout the country would be a very great evil. He was an advocate for the plan at present existing, because he thought that it contributed to the bringing together of the higher and lower orders of society. The justice of the country must be administered in some way or other; and he should be glad to know in what way it could be administered half so satisfactorily as at present? If the

unpaid system were to be changed into a paid one, the consequence would be that there would be an immense number of stipendiary magistrates established. And what would be the salary of that body? In London it had been found necessary to supersede the gratuitous magistrates by the appointment of a stipendiary police; but Mr. Bentham, a gentleman whose works were pretty generally known, objected to the payment of £800 a-year, and said that in France the *Juges de Paix*, who officiated in a way somewhat similar to our police magistrates, had but a yearly income of from £200 to £300 a-year, and he therefore contended that £300 or £400 a-year ought to be enough for those of this country. But supposing this to be the amount fixed, was it likely that any number of gentlemen, well acquainted with the law, would be found to undertake such an office for that remuneration? And even then, in whom was the appointment to be vested? Was it to be in the Crown or in the local authorities? Was it to be paid out of a county rate, or out of the public funds? If the latter, what a vast increase of expense there would be to the country; besides which, it would be the means of adding a large number of stipendiary retainers to the Government. Nevertheless, he thought that if such an alteration should take place, it would be better that it should remain with the Crown than with a local authority, as there would be a better security in case any improper person should be appointed. If it were to be in some local authority, there would be great danger that it would be a source of patronage to certain parties, and that the appointments in some instances would rather take place from favour than from merit. He knew that there were some parts of the country where the administration of justice was kept back by the accumulation of manufactures in the neighbourhood, which was not only the means of increasing crime, but of diminishing the number of magistrates, as such works as those frequently contributed to drive away country gentlemen: such cases as these might be found in the Staffordshire Potteries, and in the Welsh iron districts. He did not pretend to deny that there were faults in the unpaid magistracy system; but he, nevertheless, thought it better than any other that could be proposed. Even if he were prepared to acquiesce in the assertion, that the system of appointing magistrates was defective to the extent which some hon. gentlemen wished the House to believe, he confessed he knew of no system which could possibly be adopted in its place. It was too much the fashion, among a certain class of persons, to censure the conduct of the great body of the magistracy of England. That there were in that body, as in every other numerous class of men, a few who might prove justly liable to that censure, he did not mean to deny; but as a great body, called upon to fulfil one of the most important duties of society, he knew of none in this or in any other country who performed that duty with greater zeal, with greater integrity, with a more honourable devotion to the interests of their fellow subjects, and with a more satisfactory effect upon the minds of those who were placed under their control. And he contended that, after all, the impression created by any public institution upon the public mind, was the main consideration to be attended to. He could not indeed divest himself of the belief, from all he had heard, and all he had read, that there was a conviction upon the minds of the peasantry of this country favourable to the present system of magisterial appointments; and that the tenantry and neighbours of a country gentleman in the commission of the peace were satisfied there was better and more substantial justice done by their landlord, than they could possibly hope to receive from any stipendiary magistrate, appointed at £500 a-year, or at any other sum, or in any other way which might be devised. That was his conviction; and he believed there was not a member of that House who would not allow that what he had said upon the subject was in strict conformity with the general impression. If, however, it could be clearly proved that any of this body had misconducted themselves, he was as willing as any other man to consent to any measure which might ensure their removal or their punishment. If, as had been observed on more than one occasion, abuses had been allowed to creep into the administration of impartial justice, particularly in the licensing system, he admitted that the subject deserved the most serious consideration; and if it were found that any of the abuses of that nature were connected with the too unlimited power of the magistrates, he did not hesitate to say, that a remedy ought to be applied to the evil, and that it ought to be checked in that manner which might be found the most speedy and the most effectual. He

apprehended, however, that the evil of the licensing system was connected, in a much greater degree, with what was called the small jurisdictions, than the great body of county magistracy.

It was not to be supposed that his knowledge or attainments would permit him to go into all the extensive subjects embraced in the speech of the hon. and learned gentleman, upon all those various technical and professional points which that speech involved; he trusted to the acuteness and experience of his hon. and learned friends, the law-officers of the Crown. At the same time he might be permitted to say, that, although he was willing to agree generally to the course which the hon. and learned gentleman had recommended, he thought it would be better that the House should not pledge itself to any particular course, or adopt any particular view upon these subjects; but that they should, on the contrary, send the matter to the Commission, without the adoption or declaration of any particular opinions, as they would thereby be in a better condition to apply a deliberate consideration to the plans or remedies which that Commission might recommend hereafter. He believed that they were all engaged—the government, and every individual member of that House—in the pursuit of one common object; namely, the improvement of the administration of justice, and the removal of those abuses which may have crept in from the effect of negligence, or the lapse of ages. That such was their common view must be admitted by all, and he confessed he could not conceive what could be the object of any government in protecting or maintaining these abuses. Of this he was certain, that the greatest and the most substantial claim a government could have upon the country, would be an honest desire to secure to the people an impartial, a speedy, and an inexpensive, administration of justice. The matters involved in the hon. and learned gentleman's speech, although deserving the most serious consideration, were, however, too numerous, and involving interests too important, to be disposed of as subjects of legislation, without the deepest enquiry, and the most mature reflection. Those important subjects affected the continuance of a system of things, and a practice of law which had been established for ages, and which was interwoven with all the prejudices, and associated with all the customs, and manners, and institutions of the country. Philosophers might affect to disregard these feelings or these prejudices; but in the eyes of all practical men, they were objects deserving the most serious attention. The hon. and learned gentleman had, on a former evening, introduced the name of Cromwell as a member for Cambridge, and as a practical reformer, and had spoken of his great qualities in that respect. He was willing to give credit to all that had been said of him as a practical reformer, and was the more inclined to acquiesce in the statement from the compliment paid him by Mr. Burke, in quoting from the favourite poet of that reformer the following lines:—

"Still as you rise, the State, exalted too,  
Finds no distemper while 'tis changed by you—  
Changed like the world's great scene, when, without noise,  
The rising sun night's vulgar light destroys."

He did not know whether the person to whom these lines were originally applied deserved them; but he agreed in the opinion which Mr. Burke had given in quoting them, and in the propriety of bringing about a change in this way. Let the subject be seriously considered, let changes be made if they were required; but let them not be made violently or suddenly, and without attention to prejudices which were interwoven with society. With these feelings he was ready to co-operate with the hon. and learned gentleman, who, from the whole tenor of his speech, seemed to entertain the wish that he entertained; namely that enquiry should precede reform; and it gave him much more pleasure to have an opportunity of thus co-operating with the hon. and learned gentleman, than to propose any adverse amendment to the motion now before the House.

Mr. Brougham having spoken in reply, the motion was agreed to.

## THE TREATY OF LIMERICK.

MARCH 6, 1828.

Sir Henry Parnell moved for—"A Copy of the Letters Patent wherein the Civil Articles for the Surrender of the Treaty of Limerick in the year 1691 were ratified and exemplified by King William III. and Queen Mary."

After Mr. H. Grattan had seconded the motion, and spoken to the question, in support of the claims of the Roman Catholics,—

MR. SECRETARY PEEL said, that whatever credit the hon. gentleman might claim to himself for discretion, he thought that he would not obtain it, if he claimed it for a temperate, dispassionate, and conciliatory consideration of the claims which the Roman Catholics had under the Treaty of Limerick. He would not be provoked by the example of the hon. gentleman to travel out of the record then before the House. He would rather pursue the course which had been recommended by the hon. baronet in originating this motion, and would postpone to another opportunity an examination of the legitimate import of the wording of that Treaty; for he agreed with him in thinking, that if that Treaty were to be discussed on a future opportunity, the most expedient course for hon. members to take would be to move for the production of the Treaty now, and to reserve their sentiments upon it until the period of the promised discussion. When he came into the House that night, he was perfectly prepared to acquiesce in the motion of the hon. baronet. He had no objection whatever to the production of the Treaty, and if the hon. baronet had moved for it without adding a word, he should have acquiesced in the motion with equal silence. But whilst he made that statement, he was obliged by the speech of the hon. member for Dublin to add, that having studied very carefully the words of the Treaty, and having referred very industriously to the construction put upon it in the works of contemporary writers, he had come to a decided conviction that no privilege was at present withdrawn from the Catholics, which they had the power to claim under that Treaty. He was ready at any time to discuss that question temperately and dispassionately; but he must say, that, having resorted with great diligence to all the contemporary sources of information, he was convinced, not that the Treaty of Limerick had not been violated by the statute of Queen Anne—but that the privileges which were now claimed for the Roman Catholics could not be demanded as a matter of right under that Treaty. The hon. gentleman had said, that certain persons were inclined to consider that Treaty out of date, owing to the length of time which had elapsed since its ratification, and to argue that whatever might have been the stipulations of it at the time, the Roman Catholics of the present day had no right to claim any benefit from them. Now, he would frankly declare that, if any such persons did exist, he was not one of them. He did not mean to say that no reference ought to be made to the political considerations which might have grown up since the ratification of that Treaty, and that an overruling necessity might not have justified parliament in deviating from the strict sense of its stipulations. His view of the question of Catholic emancipation would certainly be altered, if he could bring himself to believe that the Roman Catholics had resigned certain advantages which they held at the time of signing that Treaty, upon the faith of receiving others which were now withheld from them. In resorting to that Treaty, he thought that the real question which the House had to decide was simply this—Were the Roman Catholics admitted by it to seats in parliament? The hon. gentleman had referred to two articles in the Treaty of Limerick,—the first and the ninth,—which he said opened to the Roman Catholics of Ireland all the privileges which they had in the reign of Charles II. upon their submitting to take the Oath of Allegiance. "I am surprised," said Mr. Peel, "that the right hon. gentleman should say, that by the terms of the ninth article it was evidently the intention of King William to leave the privileges of the constitution as open to the Roman Catholics as to the Protestants of Ireland. The first article is couched in these terms:—'The Roman Catholics of this kingdom shall enjoy such privileges in the exercise of their religion as are consistent with the laws of Ireland, or as they did enjoy in the reign of King Charles II; and their Majesties, as soon as their affairs will permit them to summon a parliament in this kingdom, will endeavour to procure the said Roman Catholics

such further security in that particular, as may preserve them from any disturbances upon the account of their said religion.' And the ninth article, on which the hon. gentleman also relies, is worded thus:—'The oath to be administered to such Roman Catholics as submit to their Majesties' government, shall be the oath above said, meaning the Oath of Allegiance, 'and no other.' Now, to what class of persons do these two articles refer? Not to the whole Catholic population of Ireland, but to those persons mentioned in the second article, who should submit to take the Oath of Allegiance to his majesty's government. And what are the terms of the second article? That 'all the inhabitants or residents of Limerick, or any other garrison now in the possession of the Irish, and all officers and soldiers now in arms under any commission of King James, or those authorised by him to grant the same, in the several counties of Limerick, Clare, Kerry, Cork, and Mayo, or any of them [and all such as are under their protection in the said counties], and all the commissioned officers in their majesties' quarters that belong to the Irish regiments now in being, that are treated with, and who are not prisoners of war, or have taken protection, and who shall return and submit to their majesties' obedience, and their and every of their heirs, shall hold, possess, and enjoy all and every their estates of freehold and inheritance, and all the rights, titles, interests, privileges, and immunities, which they and every or any of them held, enjoyed, or were rightfully and lawfully entitled to in the reign of King Charles II., or at any time since by the laws and statutes that were in force in the said reign of King Charles II.' And then follows, as I before stated, the ninth article, which states the oath that shall be administered to those who seek to obtain these immunities. Now, I ask the hon. baronet, whether it be possible for him to contend, upon the language of those articles, that all the Roman Catholics of Ireland are to be admissible to seats in parliament on merely taking the Oath of Allegiance? If it be, as he contends, what reason does he give for the government of King William inserting an article in the Treaty which should place the Roman Catholics of Ireland even on a more favourable footing than their Protestant countrymen? But it is quite plain that the version which the hon. baronet has put upon these articles cannot be correct; for what says the seventh article of the Treaty? 'Every nobleman and gentleman comprised in the said second and third article shall have liberty to ride with a sword and case of pistols, if they shall think fit; and keep a gun in their houses for the defence of the same, or for fowling.' Is it possible to suppose that such an article could have been introduced into the Treaty, if it had been intended to admit every nobleman and gentleman to a seat in parliament, on his merely taking the Oath of Allegiance? Now, let me ask the House to look at the state of Ireland at that time; for as this is a question of dry law, and unconnected with political considerations, we may look at it without any of that warm political feeling which intrudes itself too often in spite of ourselves into our debates, when we look at the present state of Ireland. It is argued, that it was intended by the first article of the treaty of Limerick to admit all Catholics into parliament on taking the Oath of Allegiance. Now, I think that there is sufficient evidence to show that neither of the contracting parties to the Treaty of Limerick contemplated the possibility of admitting Roman Catholics into parliament. For, as I asked before, what was then the condition of Ireland? The Treaty was signed in 1691, and a parliament had been sitting in Dublin under the authority of King James in the latter part of 1689. I will not ask of what description were the acts of that parliament, for I wish not to introduce any irritating topics into the debate; but I will ask of what persons did it consist? It consisted of 241 members; it sat for two years, and during all that time it had only six Protestants in its numbers. Now, is it possible to conceive that, with the experience of that parliament before him, King William would have been so impolitic as to allow Roman Catholics to sit in parliament upon such terms as the hon. baronet has represented? It seems too great an absurdity to suppose that, when the Roman Catholics had for some time been excluded from parliament by the Oath of Supremacy, a matter of such importance as their re-admission to it would be settled at once without any discussion, and under such a general form of words as that 'they shall enjoy such privileges in the exercise of their religion as are consistent with the laws of Ireland.' Why did not the Roman Catholics, with all the legal talent which they had at their command—for Sir Toby Butler was with them at Limerick—get the words 'political

privileges' inserted in the Treaty, supposing that King William was willing to grant them such extensive political privileges as were now claimed for them? Why did they not insert some form of words which would have avoided all cavil as to the extent of their privileges, reflecting, as they must have done, on the importance of having them clearly and positively defined?—But I have another reason for saying that the possession of such privileges as were now asked for them, was never in the contemplation of the Roman Catholics of Limerick. Does the hon. baronet recollect the terms on which they insisted previously to the signing of the Treaty? The House will, perhaps, excuse me for shortly recapitulating them. Previously to the capitulation of Limerick, the Roman Catholics sent a proposal for a cessation of arms to General Ginckle. It was granted. The next day they submitted their proposals to him in the seven propositions following:—'1st. That their Majesties will, by an Act of Indemnity, pardon all past offences whatever; 2nd. All Irish Catholics to be restored to the estates of which they were seized or possessed before the late Revolution; 3rd. To allow free liberty of religious worship, and one priest to each parish, as well in towns and cities as in the country; 4th. Irish Catholics to be capable of holding all employments, civil and military, under the Crown, and of exercising all trades, professions, and callings whatsoever; 5th. The Irish army to be kept on foot, and received in their present condition into their Majesties' service, in case they be willing to serve their Majesties against France or any other enemy; 6th. The Irish Catholics to be at liberty to reside in cities and towns corporate, to be members of corporations, and to exercise all corporate franchises and immunities; 7th. An Act of Parliament to be passed for ratifying and confirming these conditions.'—Now I think it is quite evident that the conditions which the Roman Catholics then asked for are by no means equal in importance to those which the hon. baronet says were granted to them by the ninth article of the Treaty which was subsequently concluded. And what does the House suppose was General Ginckle's answer to them? The propositions submitted to him were so extravagant that he refused to grant them. He said that, though he was almost a stranger to the laws of England, he could see that they were equally inconsistent with those laws and his own honour. Having rejected them for these reasons, he ordered a new battery to be erected against the town, and at the same time sent in twelve propositions to the besieged, stating that he would grant them those terms and no others.—The hon. gentleman opposite has said something about additions made to the Treaty on its ratification by King William, of which I heard for the first time this night with a very considerable degree of surprise. I shall say nothing upon it at present, except that I hope that this motion will include every syllable connected with this ratification. I wish that hon. gentlemen, before we come to the discussion of this Treaty, would read the argument of Sir Toby Butler upon it. For they will then find, that, when Sir Toby appeared in the year 1702 at the bar of the House of Commons, to argue against a bill which was then passing through it, he did not say one word respecting the injustice of excluding Roman Catholics from seats in parliament. At least such is my present belief. The House will find his argument at length in 'Plowden's History of Ireland;' and also in the 'Historical Apology for the Roman Catholics,' by Mr. William Parnell. The hon. gentleman opposite has referred to the authority of Bishop Burnett, with the intention of showing that he conceived that the garrison of Limerick treated not only for themselves, but for all the rest of their countrymen who were in arms. He says that Bishop Burnett was high in the confidence of King William, and that his testimony was most important on that particular point. I must here entreat the House to give me its attention whilst I state one fact. In the year 1692, I think it was immediately after the ratification of the Treaty of Limerick, the Oath of Supremacy was required to be taken in the Irish parliament, by an act passed in the English parliament. I am not now called upon to say whether such an act were legal. All I say is, that it was acted upon in the Irish parliament. Bishop Burnett—the very bishop whose testimony the hon. gentleman deems so conclusive—with a full knowledge of that circumstance, thus commences the third volume of his history—'I now begin, on the 1st of May 1705, to prosecute this work, and I have now before me the reign of King William and Queen Mary.' He was therefore at that time perfectly well aware of the construction put upon the Treaty of Limerick, and the practice which prevailed under it. He states the manner in which

the Roman Catholics had entered into that Treaty, and then he proceeds, after the quotation which had been made imperfectly by the hon. gentleman, to observe that 'the articles of the capitulation were perfectly and impartially executed, and that some doubts which had arisen out of the ambiguous manner in which the Treaty was worded, had been explained in favour of the Irish Catholics.' That is the construction put upon the Treaty by a person whose authority is declared by the hon. gentleman to be most cogent, because he was in the immediate confidence of William III. If, then, the due execution of the Treaty of Limerick is to be decided by the authority of Bishop Burnett, we must conclude that the stipulations of it were faithfully executed, and that the ambiguous parts of it were explained in favour of the Irish Catholics.—I am unfeignedly sorry that the hon. baronet who brought forward the motion, and also the hon. gentleman who seconded it, have entered at present into argument upon the construction of the Treaty; for the subject embraces topics, and is connected so closely with documents that appeared at the time of the Treaty, that it is impossible to discuss it as we ought without some previous deliberation. I have looked at the subject, at different times, with great interest and attention, because I wished to consider it fairly and impartially. From all I have read upon it, I have a strong impression on my mind, that at the time of signing the Treaty, it was not in the contemplation of either of the contracting parties, that the Catholics should be allowed to claim under it admission into parliament, or into the high and efficient offices of the State. I admit that the passing of the Penal-laws was a violation of that Treaty, and that, if it were not justified by circumstances at the time, it was a violation for which no sufficient excuse could be alleged. But I say, at the same time, that no privilege is now withheld from the Roman Catholics of Ireland which they have a right to claim in consequence of that Treaty. That is the view which the Catholics took of their condition in 1793, when the first act was passed for their relief and benefit, and that is the view which I believe to be the correct one. I do not mean to say that the ancient date of the Treaty is any bar to the faithful execution of it at this moment. If I were satisfied that the object of that Treaty was to admit Roman Catholics into parliament on merely taking the Oath of Allegiance, I should be so far from thinking that the age of the Treaty was of no avail, that I should permit it to have full influence on my judgment, whenever the Roman Catholics came to this House to ask for the fulfilment of their claims. I am, however, satisfied, by reference to contemporary documents, that the Roman Catholics of Ireland have no claim upon us from the Treaty of Limerick, and that being my opinion, I shall not say one word on the general question, until it is brought regularly under our consideration."

The motion was then agreed to.

## PUBLIC CHARITIES.

MARCH 7, 1828.

MR. SECRETARY PEEL observed, that on a former evening an hon. member had put a question to him with the view of eliciting some information respecting the labours of the commission appointed to enquire into the abuses of charities, and at the same time the hon. member expressed an opinion, that the reports made by the commissioners were inoperative, and, as it were, a dead letter. At the time the question was proposed, he had stated his impression, that in every instance in which the commissioners thought it desirable that the attention of the Court of Chancery should be called to any charge of abuse, the Attorney-general had directions to attend immediately to their wishes. Upon enquiry, he had found that such in fact was the arrangement. In order to prevent unnecessary correspondence, it had been arranged between the Secretary of State and the commissioners, that the latter should have the power of making direct application to the Attorney-general; who in his turn was authorized to institute proceedings immediately. In 1824, he had moved for a return of the number of counties to which the commissioners had extended their labours, and the number of causes which had been instituted by the Attorney-general in connexion therewith. He thought the best course he could pursue was, to move for a return of a similar nature respecting the period which had



intervened from 1824 to the present time. An hon. member had on a former evening objected to the expensive nature of the Reports which had proceeded from the commission; but he should have recollected that the commissioners were obliged to go into great detail; it being the object for which they were appointed to produce a permanent record of the funds of each charity, in order that it might be seen that they were fairly applied. He was of opinion that extensive benefit had resulted from the labours of the commissioners and the Attorney-general. The right hon. gentleman concluded with moving for a return of the nature he had stated.

Mr. Brougham seconded the motion, which was agreed to.

## PENRYN DISFRANCHISEMENT BILL.

MARCH 14, 1828.

In an early stage of the discussion on Lord John Russell's motion for the second reading of this bill,—

MR. SECRETARY PEEL said :—I rise at this period of the debate, partly because I believe I am already in possession of the various views entertained on this subject, and partly because it is not impossible the line I am about to suggest may meet with the acquiescence of the noble lord, and thus preclude the necessity of a protracted discussion. The bill introduced by the noble lord proposes to declare the absolute disfranchisement of Penryn, and the transfer of that franchise to Manchester. My hon. friend behind me (Mr. Manning), and the hon. gentleman who spoke last, contend, not only against that course, but against the whole of the bill. They deny that there is any ground for the disfranchisement of this borough, and consequently they oppose the transfer of the elective franchise to any other place. On the present occasion I shall speak with reference to that part of the question only. I am for taking an intermediate course. I am prepared to vote in concurrence with so much of the noble lord's proposal as goes to disfranchise the borough of Penryn; but I am not prepared to affirm the proposition of the transfer of that franchise to the town of Manchester. The bill the noble lord has introduced in the present year, differs from that affirmed by the House of Commons last year, and sent up to the House of Lords. This bill embraces two distinct objects—one in which the execution of justice is concerned, and which inflicts a penalty on a borough assumed to be delinquent; the other, which involves a consideration of mere policy, namely, the place to which the franchise shall be transferred. In making these observations, I propose to keep the consideration of these two objects as distinct from each other as they really are in themselves. I shall consider first, what justice requires to be done with regard to the borough of Penryn; and next, what policy suggests we should do with the forfeited franchise, if we should decide that it is to be transferred. I am not prepared to concur with the two hon. gentlemen who have preceded me, in denying the necessity of the disfranchisement of this borough. The question has been already decided by this House; and, if we mean to put an end to litigation, we must adhere to the decisions of the House. This subject was under consideration last year; the bill did not pass tacitly through the House, nor without attention being called to it in its various stages. We must now conclude, that the sense of the House was then declared. There was a question, I remember, in the committee, as to whether the franchise should be transferred to the adjoining hundreds. It is impossible to deny, that, owing to accidental circumstances, the sense of the House was not taken on that point so fully as it was desirable it should have been. Still it was taken; and on the third reading of the bill, which went to the disfranchisement of the borough, on the ground of the long-continued prevalence of notorious corruption, the sense of the House was deliberately taken. There was a division, and the numbers were one hundred and forty-five in favour of the bill, and thirty-one against it, giving a majority of one hundred and fourteen, or more than four to one against the borough. If, then, the decisions of this House are to be deemed final, unless new facts can be presented to us, let us not consent to waste our time, but proceed with the duty we have to perform, lest we induce the country to distrust our judgment by showing that we distrust it ourselves. The House had decided on this question, after hearing

evidence at the bar; and am I now to be called on, when the material facts have passed out of my memory, to reconsider that decision? Is it not quite evident, that I must be less able to come to a fair and just decision than I was last session, when the evidence was fresh in my mind? I consider the judgment of the House with respect to the disfranchisement final, so far as the House is able to pronounce a final judgment. I acquiesce in it on the ground that there must be some termination to matters of this kind. Those who are opposed to that decision have a perfect right, if they think fit, to divide the House on the third reading of the bill. But as they were originally only thirty-one in number, I think they have but a slight chance of success. I, for one, feel perfectly justified in considering that as a final and deliberate judgment. Having listened attentively to the evidence given at the bar on this subject, and read the Reports of the Committee with reference to it, I feel myself bound to adhere to the decision of the House, that there was such an improper exercise of the elective franchise as warranted the House in taking that franchise away from the borough. I think the judgment of the House was strictly consonant to the principles of equity. I agree that these privileges are not to be treated as the property of the electors. They do involve considerations of public trust; and if they are abused by the majority of the electors, the innocent parties must take the consequence of their association with the guilty.—It was said in the debate last year, that we must confine our deliberations to the proofs of delinquency at the last election. But I never could acquiesce in the justice of that observation. I do think that the long continuance of these practices of bribery and corruption in the traffic of votes, is a material point in the case of any borough, which the legislator never can exclude from its consideration. There is one fact which I cannot conceal—that on three successive occasions this borough has been brought under the consideration of the House. On the first occasion, I was not in parliament, but I must have confidence in the decisions of former parliaments. I cannot disregard them when I am called to sit in judgment on similar delinquencies. I do not say this fact is of itself conclusive; but it is a material element, by which the judgment should be influenced. The election of 1826 was not the only occasion on which this borough was accused of corruption. In 1807, a committee of this House, which sat on the contested election of that year, resolved, that Sir C. Hawkins, one of the sitting members, had been guilty of bribery and other corrupt practices. The same committee reported, that three persons, whom they named, and other electors, had been engaged in these corrupt practices. In 1819, the return for this borough was again contested, and the Report of the Election Committee stated, that Mr. Henry Swann, one of the sitting members, had been guilty of bribery, and that three other persons had been concerned in corrupt practices, in order to influence the previous election. It appeared, also, that eight electors had received bribes to induce them to vote. In 1827, we again find this borough of Penryn under the notice of the House. Former warnings did not succeed in extirpating their corrupt practices, and another committee had occasion to report, that gross bribery and treating had prevailed during the last election, though the committee entirely acquitted my hon. friend and his colleague of any participation in the corruption.—When I am called upon to consider whether we shall now deprive this borough of its elective franchise, is it possible to exclude the important fact of its former delinquency? If it had been only found delinquent in 1827, the propriety of disfranchisement would be less apparent than when it is pronounced after a long series of similar practices. My hon. friend is of opinion, that the evidence against this borough is founded in conspiracy. I hold the parties in the greatest disgust and reprobation, who are capable of entering into a conspiracy to extort money from the sitting members; but it does not follow that the evidence should be disbelieved on account of the conspiracy, if there were one. I place in a different point of view the conduct of the parties who produced the evidence for the purpose of extorting money, and the credit due to the evidence, from whatever motives it may have been produced. I view these motives with the greatest reprobation, but it is another question whether the House should refuse credit to the evidence, even if it be derived from so impure a source. On these grounds, I cannot deny my consent to so much of this bill as goes to take away the privilege of the borough of Penryn to return representatives to this House. I should also be prepared to give my opinion on the other part of

the bill, which involves considerations of policy, if this were the single question of this nature presented to the House in the course of the present session; I mean that part which determines to what place the elective privileges should be transferred. I will not, on this occasion, pronounce any opinion on that part of the bill. I will not say whether I think the transfer should be made to the hundreds, or to any populous town. The House will understand me, when I say, it is possible we may have this session to deal with two places in this manner. Before, then, we determine to appropriate the franchise of one of them, let us know whether we shall have one or two to deal with. That is an important consideration in deciding on the policy of this question. This very night, the hon. gentleman (Mr. Tennyson) had a motion for concluding a case of a similar nature. It seems to me that it would be quite unfitting to decide this point, while there is another case in which we shall have to act judicially; as we shall have to do with regard to the borough of East Retford. The hon. gentleman deprecated any discussion this evening; but I was prepared, if he had persevered, to have gone into the consideration of the question. As, however, he postponed it, on reasons with which I do not quarrel, to Friday night, I abstained from interfering. Now, I propose, before we determine whether or not we should transfer the franchise hitherto exercised by the electors of Penryn, to the Hundreds, to Manchester, Birmingham, Leeds, or any other place, we should be enabled to determine whether we have one or two boroughs to disfranchise. No disadvantage can result from postponing this part of the question, until that very important fact is known. This bill provides not only that Penryn shall be disfranchised, but that the franchise shall be transferred to Manchester. I know the noble lord is warranted by precedent in following this course; but I must consider it unjust. I will not say what opinion I entertain as to the place to which the transfer is proposed; but I do think it more consonant with the practice that prevails in courts of justice, that before we appropriate the spoil, we should decide whether the party is delinquent. I do not advise the House to send the bill to the Lords, merely forfeiting the franchise of Penryn, because that would make them the arbiters of our privileges; but I do say, that we ought to postpone all consideration of the place to which we should transfer the franchise, until we have determined whether there be ground to forfeit the franchise. The naming of the place enlists new feelings, new hopes, and new expectations, which may possibly influence the judgment, as it would not have been influenced if it had remained a mere question of abstract justice. It would have been better in the case of East Retford, also, if the bill had named no place to which the franchise is to be transferred. When the bill had passed through the committee, after the guilt of the delinquent borough had been proved, so as to leave us at liberty to transfer the franchise elsewhere, we might have named the place to which it was to be transferred without telling a powerful party out of doors, and perhaps in this House, that they have an interest in pronouncing the penalty on the accused borough. If the noble lord should consent to the course I propose, he will postpone the second reading until the case of East Retford is disposed of, or, at least, until it is decided whether that borough shall be disfranchised. I concur in the disfranchisement of Penryn, but I give no opinion as to the transfer of the franchise to Manchester. If the noble lord would rather not take the sense of the House on the second reading, but on the committal of the bill, I am willing to agree to that course, if he will postpone the committal until we know the determination of the House as to East Retford. On that understanding, I am prepared to give my formal acquiescence to the whole bill.

The bill was read a second time.

### TITHES' COMMUTATION BILL.

MARCH 17, 1828.

MR. SECRETARY PEEL said, he had given notice, that before this bill went into a committee, he should move that it be an instruction to the committee, that they should have the power to limit the duration of any bargain or agreement entered into

under the provisions of this measure to twenty-one years. He objected to this bill as it stood at present, because it appeared to him to be pregnant with injustice to the Church of England. As it was now constituted, it enabled parties to enter into agreements to determine, for ever, the future stipend to be paid to ministers of the Church of England. If this principle were acted on, it would be fraught with manifest injustice; for he could see no reason, why a calculation of the receipts of any given living for the last seven or fourteen years should be laid down as the allotted stipend of a minister of the Church of England for all future time. Suppose such a system had been adopted two hundred years ago, what would have been its effect on the Church of England? In what situation would that church have now been placed, if, two hundred years ago, provision had been made for fixing, on the ratio of the past receipts, the future stipends of the ministers of the Church of England? Surely it would have created manifest injustice in many individual instances; and it would evidently have lowered the condition of its ministers as compared with other classes of the community. He might be told that the provisions of this bill would not be generally found unjust, because in several parishes, where perhaps cultivation might retrograde, the value of the produce would, at a future period, be less than it was at present, and that therefore the gains of the clergy in these parishes might be viewed as a set-off against the losses which they might sustain in other parishes where cultivation had been extended. Now, he did not wish any portion of the clergy to gain in this way, because he did not think it would be satisfactory to any party. He would suppose the commutation of a certain parish fixed at £500, taking the receipts of the produce for the preceding seven or fourteen years, and that the real value of the tithes, from peculiar circumstances, turned out to be, at a future period, only equal to £300: he did not wish to secure to the clergyman £500, when, if he received his tithes in kind, he would be entitled to merely £300. This would be an evident injustice to the parishioners, and would doubtless be felt as such. If they took the case of the county of Norfolk, it would clearly illustrate his principle. Suppose a measure like this had been carried into effect sixty years ago, before the extensive cultivation of barley and turnips was introduced into that county, would it not have been a manifest injustice to calculate the future stipend of a clergyman on the preceding seven years' receipts? Was no allowance to be made for improvements? He wished the stipend which arose from tithes to vary according to the success of agriculture, and the amount of produce in every parish. He was anxious to promote satisfactory arrangements between parishioners and the Church of England. He opposed this bill further, because he believed that, in many instances, the bishop would interfere, and prevent its provisions from being carried into effect. It was a very bad general principle, first to adopt a measure of this kind, and afterwards to afford an opportunity of its provisions being defeated, in consequence of the dislike or disapprobation of those whose consent it was necessary to obtain before those provisions could be acted on. He thought it would be very easy to propose some other arrangement, better calculated to conciliate the two parties than that which the present bill offered. To show the injustice of the principle, he would suppose a lenient clergyman, who had abated his demands on his parishioners; and he would ask, if that clergyman commuted his claims, and consented to receive a stipend equivalent to the produce of the preceding seven or fourteen years, whether it would be fair that his successors should be bound by that agreement? The amount of the sum to be paid hereafter to the Church of England under this bill was, it appeared, to be in accordance with the amount of the receipts for the fourteen years preceding the bargain, varying according to the price of corn; so that if the price of corn fell in consequence of an extensive importation, or from any other circumstance, then the amount of stipend must also fall. What he objected to most decidedly was, the permanently fixing, on any calculation of past receipts, the sum which was for the future to be paid to the clergymen of the Church of England, that sum varying with the price of corn. He could not see why there should be such a difference between this bill and the law introduced into Ireland on the same subject. If ever there were a good and beneficial act introduced into Ireland, it was the Tithe Composition Act of 1823. It had been carried into operation in nine hundred and forty parishes, and the sum paid at present in consequence of these agreements amounted to £286,000. Under that act the agreement could not extend beyond twenty-one years, and it was

perfectly consonant with policy and justice. In conclusion, the right hon. gentleman moved, "That it be an instruction to the committee that they shall have power to limit the duration of any agreement to twenty-one years."

Speaking in reply, Mr. Peel said he wished to make a few observations. The hon. member for Newcastle had expressed his apprehension, that if the bill were passed as it stood, the provisions of it would seldom be carried into execution. That was precisely what he (Mr. Peel) wished to avoid. He wished to have a bill that should frequently be acted on, because it was founded on the principles of justice. The hon. member for Callington had said, that the House ought not to allow themselves to be dictated to by a University. Now, nothing had fallen from him which rendered such an observation necessary. It was his duty to state to the House any opinion which might be entertained by his constituents. The hon. member would no doubt act in the same way by his constituents; and he really did not know what there was in the University of Oxford to disentitle it to be heard in that House by its representative. On the contrary, if any body were entitled to be heard with favour it was the clergy, when the subject under consideration related to the interests of the church.

The House divided: For the instruction to the committee, 81. Against it, 29. Majority, 52.

## SUPPLY OF WATER TO THE METROPOLIS.

MARCH 18, 1828.

Sir Francis Burdett having asked the Secretary of State for the Home Department, what progress had been made by the Commissioners appointed to enquire into the State of the Supply of Water to the Metropolis,—

MR. SECRETARY PEEL said, that, upon a former occasion, when the same question had been put to him by the hon. baronet's colleague, he had endeavoured to give a plain and intelligible answer. He had stated, that on his return to the office which he had then the honour to fill, he had found that one of his predecessors, Mr. Sturges Bourne, had appointed a commission to enquire into the supply of water to the metropolis, and that a question had arisen as to the extent of power bestowed on the individuals appointed as commissioners under it. He had been called upon to decide that question, and his answer was, that he should be governed entirely by the view which had been taken of it by the right hon. gentleman who had appointed the commission. Upon enquiry he found that it was the opinion, not only of Mr. Sturges Bourne, but also of the Marquis of Lansdowne, who had succeeded to his office, that the powers which had been conferred on the commissioners were sufficiently ample for all the objects contemplated in the commission. It gave them power to examine witnesses upon oath, and to make all such enquiries as they should deem necessary, to show the present state of the supply of water to the metropolis, and to determine its quality, quantity, description, and salubrity. A question had likewise arisen, as to whether the commissioners should have power to employ engineers to make surveys and to take levels. And he certainly was of opinion, that parliament had never contemplated any such thing when it agreed to the address for the appointment of the commission. He determined to refer to his right hon. friend, for he felt that it would be inexpedient in him either to curtail or to increase those powers beyond what was originally intended. He had been asked whether the commission were to make an analysis of the water. He had replied, that it would not be sufficient for the commission to make only one analysis of the water; they must make an analysis of it, as taken from different parts of the river, at different periods of the tide and of the year. He had also been asked whether he approved of the gentlemen who had been appointed commissioners; namely, Mr. Telford, the engineer; Dr. Roget, the physician; and Mr. Brande, the chemist; and he had expressed of them that approbation which their eminent acquirements richly deserved. As the commission had, on his return to office, been sitting for five months, he ventured to enquire whether they had made any analysis of the water, and when they would be prepared to make their report. He was told that

the analysis of the water would be complete in about six weeks; and that soon afterwards they would make a report which would bring all their proceedings under the consideration of parliament. He trusted it was quite unnecessary for him to say, that he entertained no feeling upon this particular question. If parliament should think it right to have engineers employed to make surveys and to take levels, with a view of discovering from what quarter the best, purest, and most abundant, supply of water could be brought to the metropolis, nothing could be easier than to add the instruction to the address. He should reserve his opinion as to the propriety or impropriety of such a measure. He thought that, if the commissioners should be of opinion that there was not sufficient salubrity in the water of the Thames, there was that opulence, and that spirit of enterprise in the inhabitants of this great metropolis, which would induce them to form a new Water-company in order to secure a better supply of water than that which they had at present; and he frankly owned that he conceived such new company, and not the government, should be at the expense of making the requisite surveys, and taking the necessary levels. He was of opinion that it would be quite sufficient for the commission appointed by the Crown to make an analysis of the water, and to report its opinion upon the quality and quantity of the supply. He had laid upon the table of the House, the other day, a copy of the commission, and also a copy of all the correspondence to which it had given rise, and he believed that, in a few days, it would be printed, and in the hands of every member. He, therefore, would take the liberty of suggesting, that it would be advisable to proceed no further in the discussion until they had the report of the commissioners. He could not, however, conclude, without expressing a hope that the House would pause before it consented to give greater powers to the commission than those it had at present.

## TEST AND CORPORATION ACTS' REPEAL BILL.

MARCH 18, 1828.

On the motion for the House to go into a Committee on this bill, Mr. Sturges Bourne moved—"That it be an instruction to the Committee on this Bill, that they have power to provide for the taking and subscribing a declaration by all persons who would, under the existing laws, be required to take the Sacramental Test."

Lord Eastnor having seconded the motion, Lord John Russell spoke on the subject; after which,—

MR. SECRETARY PEEL observed, that when this question was last under the consideration of the House, he had asked the noble lord, with the most perfect sincerity on his part, as well as for those who thought with him on this subject, for a short delay, to obviate if possible, his final resistance to some general and fair arrangement. He had, in fact, merely asked the noble lord to give those who had at first opposed him a reasonable opportunity of maturely deliberating on the course which it was most important they should pursue to attain a satisfactory adjustment, an opportunity which, even under ordinary circumstances, he could have hardly thought would have been refused. That request he had made with an earnest determination to apply his mind for the fair purpose for which he had asked it; namely, to consider what arrangement could then be made to settle this important question. He was induced to make the request, because he found that a considerable majority of the House of Commons had, upon fair and full debate, pronounced their opinion, that an alteration in the existing law was desirable. He repeated, that this delay he had asked with the sincerest disposition to apply his mind to the consideration of what way any arrangement could be effected with the general consent of those whose consent was indispensable for the success of the measure, and with the intention also of conciliating the feelings of the Dissenters themselves, and the other great party in the country who felt themselves concerned in the result. He wished, in fact, to see how far he could reconcile the sincere adherents of the Church of England, who must feel a deep interest in any change of this nature, to the change which the Dissenters were, under favourable auspices, desirous of accomplishing. The delay he had asked for this purpose had, however, been refused him; and refused, too, with

a degree of injustice and indiscretion which he could hardly, under such circumstances, have expected. It was said that his motives were not honest, and that he wanted to get rid of the question by an artifice [cries of "No" and of "Hear"]. Most assuredly such motives had been imputed to him on the occasion to which he alluded, but he begged now to assure the noble lord, that whatever injustice had been personally inflicted upon him, and whatever motives had been unfairly imputed to him, it was impossible that any thing which had passed could seriously affect his view of a matter of such immense importance, or prevent his attempting, as far as was in his power, to promote a satisfactory arrangement, if it were attainable, and induce a continuance of that harmony which had so long subsisted between these great parties. He was glad, however, that the interruption had taken place; for it enabled him, in the time which had elapsed since the first discussion, to consider and weigh the various opinions that had been pronounced, in the shape of alternatives, or substitutes for the present law. He would enumerate what he understood to be the several arrangements that had been submitted to the choice of the House. In the first place, there were those who were ready to adhere to the existing provisions of the law, and who defended them because they were impressed with a belief that they did not entail upon the Dissenters any practical grievance. He, as well as those who had entertained that opinion, did not deny the objection, that a difficulty was imposed upon those who were called upon to take the Sacramental Test as a qualification for civil office, but they thought that the Annual Indemnity Bill relaxed the painful necessity of enforcing the test as an indispensable qualification. But, as he had before said, he saw nothing more unwise than to interrupt the existing harmony between such sects; and he was free to confess, that after the late decision of the House, so deliberately formed, he was one of those who thought it useless to resist, *in limine*, the conclusion that the existing law was no longer applicable to the present state of society, and that it ought to undergo a material alteration. Viewing what had passed in this way, he could no longer think of pressing his own opinion, in the vain hope of altering what undoubtedly appeared to be the fixed opinion of the House. The alternative, therefore, of adhering to the present law, he was prepared at once to dismiss from his mind. The sense of the House had been so fairly and decidedly taken against it, that he admitted the law must undergo an alteration. In the course of the discussion the hon. baronet, the member for Devon, had thrown out another proposition, which seemed, at the time, to have received considerable countenance; namely, that there should be substituted in lieu of the Annual Indemnity Bill, an annual suspension of the law requiring the Sacramental Test. He had pressed this himself for the consideration of the House, at the moment, when he had been afterwards taunted with improper motives and artifice. He rejoiced now, that he had been so interrupted, because he was thereby enabled to come to the present debate uncommitted and unfettered by any previous opinion. He therefore now came to the exercise of his judgment as the case really stood for consideration. The effect of this deliberation upon his part was, to convince him, that he ought to change his opinion respecting the hon. baronet's proposition, which he now thought would, in its operation, prove as inconvenient as the Annual Indemnity Bill. He dismissed it therefore from his mind, because it would not remove the objections entertained by conscientious men, Dissenters, as well as of the Church of England, that the law even with such an alteration, while it mitigated the penalties, was still held over their heads as a jealous distrust. It was, also, liable to the further objection, that the suspicion so implied was a tacit recognition of the principle, that the Sacramental Test was a necessary qualification for holding office.—The third alternative held out was, not that a suspension should be enacted, but that a given time should be prospectively named, say five years, for the abrogation of the present law. He confessed he could not see the value of that proposition; for it was plainly open to this objection, that while the Church of England would, in the interval, gain nothing in conciliation and consequent security, they would be clinging *pro tanto* to a useless annual tenure of disqualifications, still upholding jealousy and distrust, for a short term of years, without obtaining any valid security, and with the certainty of an ungracious termination of these restrictions. Indeed, were the question reduced to this alternative, either repeal this law at once, or abrogate it at the termination of five years, he would not hesitate to say, let the repeal be forth-

with, and let the Church of England have the grace of so prompt a concession, and the Dissenters the full benefit of it.—Having thus disposed of three of the causes pointed out, two more only remained for him to allude to. One was that of the noble lord, which asked for a simple and unqualified repeal; and the other that of his right hon. friend (Mr. S. Bourne), which would accompany the repeal by a declaration, in the place of the security enjoined by the Sacramental Test. After the best consideration he could give these several propositions, he thought the safer course, and that most likely to preserve harmony between all parties, would be the adoption of something like the last recommendation. Whatever views were taken of the abstract principle, the wisest and best course would, he was convinced, be to come to such a final arrangement, as while it should not affect the fair and conscientious scruples of the Dissenters, would give a reasonable proof to the Church of England, that in the repeal of these long-established tests, which were considered as a much-valued security, the legislature thought fit to require, that a recorded opinion should be given, in the form of a Declaration, for the security of the predominancy of the Established Church. With this view he thought it only fair, that the committee should be instructed to introduce a declaration to the effect he had alluded to, to be taken as a substitute for the Sacramental Test, by the parties who were now liable to take it. If the House recognised that principle, he was prepared with a form of Declaration, which he trusted would be received with general assent. They had already sufficiently discussed whether it should be an oath, or merely a declaration. To propose an oath would be perhaps to arouse again the distrust of the Dissenters, and subject them to an inconvenience which he thought could not follow the imposition of a declaration; and particularly when they looked at such an affirmation as interwoven with the principle of the constitution. The noble lord had said, that there ought to be no declaration which required any renunciation of religious feeling—so said he. The noble lord had said, that there ought to be no declaration which required the expression of any religious feeling—so said he. Indeed, upon the whole view of the case, he preferred a solemn affirmation to an oath, because it was less calculated to arouse the jealousy of one party, and was equally operative as a security to the other. He should be ready to discuss the terms of the Declaration which he had himself prepared when in committee. It entered more into detail than that of his right hon. friend. He agreed with his right hon. friend, in thinking that they had a right to expect the introduction of some declaration into the bill. If a modification be to be made of the laws affecting the Dissenters, such modification should be coupled with some measure of security for the established religion. The one which he now proposed exactly corresponded with that in the preamble of the bill brought forward by Mr. Grattan, and which was afterwards introduced by Mr. Plunkett. It recites that,—“Whereas the Protestant Episcopal Church of England and Ireland, and the doctrine, discipline, and government, thereof, and likewise the Protestant Church of Scotland, and the doctrine, discipline, and government, thereof, are established permanently and inviolably.” The Declaration which then follows is similar to that which he (Mr. Peel) would propose as a substitute for the Sacramental Test. After adopting the preamble to the bill of Mr. Grattan, he proposed to introduce a Declaration to the following effect: “And be it enacted, that all persons who shall hereafter be elected, or chosen to fill the office of mayor, alderman, or magistrate, or to fill any office of emolument and trust in any city or town corporate in England or Wales, shall, previous to his admission, make and subscribe the following Declaration:—‘I, A. B., do solemnly declare, that I will never exert any power nor any influence which I may possess by virtue of my office, to injure or subvert the Protestant church, by law established in these realms, or to disturb it in the possession of those rights and privileges to which it is by law entitled.’” That was the whole of the Declaration which he would propose to introduce. As he had begun to read the provision which he was desirous to see amalgamated with the bill, he might as well proceed through the entire of it. It went on to provide as follows:—“And be it enacted, that the said Declaration shall be made and subscribed in the presence of the persons who by the present charters and usages of cities and towns corporate administer the oath to Dissenters on entering into office there;—and that in counties corporate such Declaration shall be made and subscribed in the presence of two justices



of the peace;—and be it further enacted, that where any person shall omit, on being chosen or nominated to said office, to subscribe such Declaration, such election and nomination, and all the acts of such officer, are hereby declared null and void." He did not deem it necessary to attach any penalty to the omission, further than rendering the election and the subsequent acts void. And here he had to encounter a difficulty respecting the officer appointed by the Crown. The difficulty was, to point out the particular officers under the Crown in which this Declaration should be taken. If every subordinate officer in the employment of the Crown, who was at present liable to be called upon to take the Sacramental Test, should be required to subscribe this Declaration, the provision would only throw ridicule upon the whole proceeding [hear]. To point out, then, the officers who should make the Declaration, and the officers who should be excepted, was the difficulty which he had to overcome. That difficulty, he imagined, might be obviated by some such regulation as this—"Be it enacted that it may be lawful for his majesty to require of all persons who shall be appointed to civil offices of trust, or who shall hold commissions under his majesty's government, and by whom, according to the present law, the Sacramental Test is ordered to be taken" [this, it would be seen, did not affect the Presbyterian Dissenters of Ireland, or the members of the Church of Scotland], "to make and subscribe the Declaration above mentioned, preceding the admission of such persons to offices of civil trust, under such regulations, respecting the time and manner of subscribing such Declaration, as his majesty may be pleased to appoint." That provision on this subject, the House would see, would enable the Crown to point out the offices in which such Declaration would be considered necessary.—Whatever part he might have taken in the discussion of this subject on a preceding night—however he might have then resisted the proposition of the noble lord—now, after what had taken place, he did not yield to the noble lord in his anxiety to see this question settled in the course of the present session, satisfactorily, and for ever. He entertained a hope that the provision which he had proposed, and which appeared to him so perfectly reasonable, would not be rejected by the noble lord or by any of the persons who advocated the claims of the Dissenters. It was impossible for him unequivocally to pledge other persons; but, if this provision should be adopted, he entertained the confident expectation, that the present session would not expire without an arrangement of a satisfactory and permanent nature being effected, with regard to the laws affecting the Dissenters. On each side of this, as of every other question, they could only arrive at a satisfactory arrangement by mutual concession. Let it be recollected that the laws which they were desirous to repeal had been mitigated, in a great degree, by the Annual Indemnity Bill. The principle of those laws, as they stand, recognises conformity to the Church of England as the only qualification for admission to corporate and civil offices. He and those who thought with him were prepared to give up that principle,—they were prepared to declare that, without any reference to religious opinions, Protestant Dissenters shall be eligible to the above offices, provided they give security, by subscribing the Declaration which he had proposed, for the maintenance of the rights and privileges of the Established Church. If he understood the noble lord rightly on the first night of this discussion, the noble lord had spoken of the injustice inflicted on the Dissenters by the existing laws. The existence of that injustice pleaded strongly in favour of the adoption of the provision now proposed by him. If the Dissenters were sufferers under the present laws as they stood, that was a powerful reason why the advantages intended by the bill should not be rejected by them, because they were called upon to give, for the concessions thus afforded to them, a security similar to that which the principle of the existing law gave to the Church of England. The Church of England, in his opinion, had a right to demand from the Dissenters a satisfactory declaration, that none of the offices or powers of which they might become possessed should, under any circumstances, be used to injure the Establishment, or to disturb it in the possession of its just privileges. The noble lord had stated his objections to any provision beyond that of simple repeal, and he had founded them principally upon the opinion which he entertained of the permanence of the Church Establishment, and which induced him to consider it unnecessary to connect any security with the measure of simple repeal. He would not now enter into the discussion, but he could not avoid expressing his opinion that the

noble lord had failed to prove the truth of his position. In arguing the question, the noble lord was not warranted in appealing to America and to other countries, where there exist no established churches. It might be very true that no tests or securities were required for the maintenance of established churches in such countries; but, according to the experience of this country for centuries, it was well known that religious feelings entered into secular affairs, and influenced the conduct of men. The experience of this country had shown that the Established Church had been always recognised as an essential portion of the constitution of the country, and strong measures had therefore been adopted to maintain unimpaired its rights and privileges. He would in that House take it for granted that the Established Church was an essential part of the constitution of the country. "*Non meus hic sermo.*" In the bills which had been advocated by hon. gentlemen opposite, for the relief of the Roman Catholics, such an acknowledgment was made with a view to procure the assent of all parties. It was expressly made in the bill of the late Mr. Grattan. That bill set out by stating, that the removal of the disqualification under which the Roman Catholics laboured would tend to promote the interest of the Established Church, and to strengthen our free constitution, of which that Church was an "essential part." He was sure that upon that point there was no difference of opinion in that House. Maintaining, then, that the Established Church formed an essential part of the constitution, he conceived that the House should not agree to the measure under discussion until they had maturely weighed the amount of security to which that Church was unquestionably entitled. He was glad to see that, during the discussion, full justice had been done to the temperate course adopted by the Church of England respecting this question. That Church had shown that it confided in the wisdom and justice of parliament, as to the measures of security which ought to be adopted for the preservation of its privileges and immunities. It was remarked by the noble lord, and by other hon. members, on the first night of this discussion, that as the Dissenters had for thirty-seven years remained tranquil, without presenting a petition for the recovery of their rights, their application on the present occasion was entitled to the particular consideration of the House. If that silence and acquiescence on their part justly entitled them to that consideration, he would say that the course pursued by the Church of England gave them also peculiar claims to the consideration and attention of parliament. Upon that point he trusted there would be but one feeling. They were about to repeal laws which had been long considered as the bulwarks of the Church of England, and it was impossible to deny that a strong opinion existed throughout the country favourable to the maintenance of those laws. They were about to give the Dissenters admission to office, and he hoped the measure would be carried, not by a majority, for it would be more satisfactory that their votes should be unanimous on this occasion. But if it should be necessary to have the sense of the House declared, he trusted there would be an overpowering majority against the provision of simple repeal, and in support of the bill accompanied with the Declaration which he had proposed. If the bill should be so altered, he entertained the most confident expectation of its ultimate success, and that before the termination of the session there would be a permanent settlement of the question. Whatever part he might have taken on former occasions, he could assure the noble lord and the House that it was his anxious wish to see that desirable arrangement satisfactorily effected.

Lord John Russell having again spoken,—

Mr. Peel said the Declaration he had proposed was applicable to none, except those who were about to fill offices. If the Declaration were extended to Scotland, which he did not propose to do, it would have the effect of placing members of the Church of England in the situation of Dissenters.

The Speaker then left the chair, and the House went into a committee, Mr. R. Gordon in the chair.

Mr. Peel said, that he had drawn up the Declaration, but as to the machinery of the bill he could say nothing. He entertained a confident hope that the insertion of that condition would ensure the success of the measure. He had drawn up the clause on his own view of the case, but he had not had an opportunity of consulting any professional person on it.

The bill went through the committee.

## EAST RETFORD DISFRANCHISEMENT BILL.

MARCH 21, 1828.

In the debate on Mr. Tennyson's motion for the re-commitment of this bill, which had for some time occupied much of the attention of the House,—

MR. SECRETARY PEEL said, he thought that this question involved considerations of a general nature, nearly similar to those which were connected with the other question of the disfranchisement of Penryn. The first question was that of the measure of justice to be dealt out to the borough; the second involved the consideration of the policy and expediency of disposing of the vacant franchise either to the hundred, or to some populous town. For even supposing the delinquency of the borough to be partly made out, and that enough was proved to justify the forfeiture of the franchise, the question to be considered was, not to what place it might be just, but to what place it might be also politic and expedient, to transfer that right. He proposed to consider, first, the justice of the proceeding itself, and next, whether or not there had been a sufficiency of evidence to warrant any interference with the elective right of the borough which had been accused. And first, with respect to the question of justice. In approaching that part of the subject, he wished to draw a very material distinction between a trust committed to a man in his public capacity for the exercise of a public duty, and to those private rights of property which might happen to be acquired in the enjoyment of that trust. He conceived it useless indeed, to enter into any extended argument upon the nature of property of that description, because it was plain that the common rights of individual property were very different from those which arose out of the exercise of public trusts. He conceived, indeed, that they were not governed by the same rules, or subject to the same laws, and, therefore, the arguments of the hon. gentleman (Mr. Bankes) must be considered wholly inapplicable. The hon. gentleman seemed to suppose a great impediment must be presented by the evidence not being taken upon oath; but if that argument were good, it ought to have been urged at first, and they might then have been able to save that useless waste of time which this enquiry had already cost them. He, however, saw nothing in that objection to impede their course. They had evidence taken upon oath before a committee of that House; they had also evidence taken at the bar for their own satisfaction; and if the objection were to be fatal to the present case, it followed that it must likewise be fatal to every examination in every case where they might be called upon to take evidence at the bar.—He would now speak of his impressions upon the evidence they had heard; and he was compelled to say, taking into consideration the proof of an inveterate habit of bribery pervading the whole corporation, that such a case was made out as justified the interference of the House. He confessed that he had altered his opinion upon the subject, when he heard it stated, that the bribery was confined to the lower class of the people, who, in compliance with a species of established usage, were in the habit of taking money for their votes; he had some doubts of the propriety of depriving the upper classes who remained free from corruption, of the right which they enjoyed, and rather contemplated the propriety of adopting some measure to alter the nature of the franchise, than the infliction of any punishment which might amount to a total or partial forfeiture of the right of election; but when he found that not only the aldermen of the corporation, but even the returning officer participated in the system of bribery, he confessed his impression was materially altered; and when he saw that not only the lower classes, but the higher, were engaged in the same practices, he could no longer deny that the interference of the House was necessary in order to put an end to such practices. An hon. member had stated, that those who voted for Sir Henry Wilson did not vote for the sake of any bribe, but in consequence of a conviction that Sir Henry was a supporter of the Protestant Establishment, and disposed to vote against Catholic Emancipation. Now he could only say, that if it had been proved to him that a majority of the voters gave their suffrages to Sir Henry Wilson upon a principle of that kind, he could not conceive any thing more powerful in favour of their purity of feeling. If they gave their votes from any honest conviction upon a principle of that kind, so far from incurring any blame, they were entitled, in his opinion, to the highest praise for exercising that privilege

of Englishmen which he on all occasions liked to see displayed in the giving utterance to their free and unbiassed opinions. But when he heard it stated, that the worthy candidate declared, come what might, he was, without any reference to the Catholic question, determined to do whatever was "just and right," he had no longer any doubt upon the principle which actuated the voters of East Retford. He conceived that the proposition for a continued enquiry ought to have been made at an earlier period; and, upon the whole, he repeated his conviction, that enough had been proved to bear out the disfranchisement of the borough. He was satisfied, that in having recourse to that measure there were some who must be injured by the deprivation of their right of voting, and who were above receiving any money for their suffrage. But, in dealing with rights of a corporate nature, it was impossible to do rigid justice without touching upon the rights of those who were comparatively innocent, and involving them in the punishment; if the deprivation of their franchise could be called a punishment. If the question had involved the deprivation of property, or the destruction of a civil right, he could not have consented to go so far without being overborne by a sense of a great public good; but it was because he drew a distinction between the exercise of the franchise for the public good and a right of private property, that he admitted the propriety of the interference. At present, he was prepared to declare his intentions only so far on the subject before the House, as that there was that degree of delinquency made out, which warranted the going into the committee.—He would next proceed to make some observations on the policy of the course to be pursued, without following the worthy alderman through the various topics of a speech, three-fourths of which were occupied in a discussion of the general question of Parliamentary Reform. Although that question had been discussed in parliament a hundred times, yet the worthy alderman had advanced doctrines upon that question entirely new. The worthy alderman had laid it down that population had increased, and that the debt had increased, and he seemed to sanction the proposition, that the increase of the representation should be proportionate to the increase of the population and of the debt. According to this principle, there should, of course, be proportionate increase in the number of representatives in that House; and he was at a loss to know what limit the worthy alderman would propose to the increase of the representation of the country, if his doctrines were to be acted upon. Then the worthy alderman referred to a quotation, which, if he had given in the *ardentia verba* in which the doctrine was conveyed, would import that, if the people of Birmingham were taxed without being represented, such treatment was absolute tyranny, and they would be justified in resistance.

Mr. Alderman Waithman:—I said no such thing.

Mr. Peel said, that the hon. gentleman had referred to a quotation which, if he had fully brought it forward and strictly applied, would establish that doctrine. If taxation without representation were absolute tyranny, and if tyranny justified resistance, would not all those be justified in resistance who were under the age of twenty-one? Again, to cite an illustration adduced on a former occasion by a right hon. Secretary of State, now no more, in reply to this argument, what would become of the whole female sex, or of the large body of freeholders not qualified as 40s. freeholders to vote at elections in this country? In short, if such a doctrine were to be enforced, it would lead to the widest plan of universal suffrage; although the worthy alderman said, indeed, that he had never been an advocate of such a plan of ultra reform—that he, forsooth, had never been a wild speculatist. But, to quote an expression of Lord Camden, or of any other person, for the purpose of establishing a comparison between the resistance which a whole country, like America, and that which an individual, or town like Birmingham, might be justified in offering, was absolute nonsense.—As little was he disposed to approve of the position which the hon. gentleman would seem disposed to lay down, that members of that House were incapable of forming a decision upon the subject before them, from an apprehension of being liable to charges of having had recourse to influence of an unwarrantable description in procuring their own returns. He would not believe that the members of that House would feel any such incapacity as the hon. member would impute to them. The hon. member had declared, that he himself never had recourse to such sinister influence. He could state the same exemption from having recourse to it for himself; and he was sure that the members of the House would not feel them-

selves, from any such imputation, incapable of acting as legislators, on an accusation of a breach of the law. That influence was used at elections was admitted; but there was a wide difference between the fair, legitimate influence that was exercised, and that undue and unlawful influence which was carried by the means of the bribery, of which the House lately had evidence. We did not live either in *republica Platonis*, or in *feces Romuli*; we could neither altogether shut out the influence of the feelings of nature, nor of those circumstances by which we were surrounded in society. Equally untrue and unjust would it be to suppose that we were actuated by unworthy motives. At county elections in England, the friendly relations and interchange of mutual kindness subsisting between landlord and tenant—the affection subsisting between brother and brother, and the other close relations of life—unquestionably had, and would continue to have, a material influence. But such influence, however, may not perhaps strictly be sustained by the theory of representation, and was not to be classed in the same scale of offence as a case of absolute bribery and corruption. It might be very well for a philosopher to lay down plans of theoretic perfection in his closet, but such feelings and motives as he had described, and a thousand other indirect influences, prevailed at elections. He could not prevent their prevalence, and if he could, he did not know that he would. In considering the case of East Retford, and in forming a judgment upon it, he could not exclude from his consideration the case of Penryn. After what had already taken place in the last session as well as in the present, respecting the borough of Penryn, he thought he was entitled to consider the appropriation of its franchise as well as that of East Retford. In forming this assumption, he wished not to be understood as pronouncing finally now upon the case of Penryn, which was not strictly before the House; but, after the decision which had been already come to by the House, the forfeiture of its franchise was an assumption which he was entitled to make. The consideration, therefore, of two places—East Retford and Penryn, formed a material element in the view which he at present entertained of dealing with each separately. He was induced to consider the two places conjointly, from the combination of circumstances, the united weight of which made him think that the whole subject might be better disposed of by keeping them both under the view of the House.—Now, what had been the practice respecting the transfer of the franchises of boroughs? In all cases of disfranchisement, until that of Grampound, the right of election was transferred to the adjoining hundred. In the cases of Shoreham, Cricklade, and Aylesbury, such had been the course that was adopted. In the case of Grampound a new principle was introduced by that House. Vicinage was the invariable rule that had been observed until then. But on the disfranchisement of the borough of Grampound, a bill passed the House to transfer the franchise to Leeds. That bill, however, was not acquiesced in by the Lords; and it was proposed by them, on rejecting the bill sent up by the Commons, to add two members to the representation of Yorkshire. In this way the bill passed; the franchise having been transferred to the agricultural interest, instead of, as was at first proposed, to a large and populous place. Now, he would propose to adopt a middle course in disposing of the transfer of the franchises of these two boroughs, which, as it was opposed to the partisans of the agricultural and manufacturing interests, might not be likely to conciliate the support of either. He would not vote for the transfer of the franchises of both boroughs to the hundred, or to large manufacturing towns, but he should propose a compromise between the conflicting claims of opposite (using the term in no hostile sense) interests. For this purpose, he should propose, if the forfeiture of the franchises of both were resolved upon, that the transfer of one should be made in favour of a large and populous town, and the other in favour of the hundred. This was the compromise which he proposed to make between what might by some be considered the conflicting claims of the manufacturing and agricultural interests. If the transfer of both franchises were made in favour of large towns, there would be, he anticipated, on future occasions, a very keen look out, a very prying enquiry and searching investigation into cases of bribery. He anticipated that there would not be wanting parties to get up a case for the purposes of establishing bribery, if they knew that the immediate consequence of making out bribery would be not only a forfeiture of franchise, but a transfer of it to some large and populous town. He would, therefore, disappoint any such eager disposition to

get up cases unduly, by not establishing an invariable precedent now in favour of large towns; which, if adopted, would become a standard of reference in all similar cases. In making this declaration, he wished it to be distinctly understood, that he gave no opinion of marking a preference between Manchester and Birmingham. He was equally attached to the interests of these two important towns; but he had come to no decision in favour of either: he would bestow a fair and impartial consideration on the respective claims of both these large and populous places, and would be guided in his determination, by the result of that consideration. The House would perceive, that throughout these remarks he had proceeded upon the assumption of the forfeiture and transfer of the franchise of Penryn; which was, he trusted, a well-grounded assumption, considering the repeated warnings which that borough had already had, and the disregard it had paid to them. In sanctioning the transfer of the franchise of one of these boroughs to a manufacturing town, and the other to the hundred, he wished distinctly to be understood, that he would not consent to the transfer of the franchise of East Retford to a remote and populous town. The reasons which induced him to approve of the franchise of Penryn being transferred to such a place, were to be found, in a great degree, in the local circumstances of these two boroughs. Penryn was situated in Cornwall, which returned forty-two members to parliament; and he would not consent to the disfranchisement of one of those boroughs, except on an accusation, sustained by competent testimony, of that borough having abused its rights of franchise by practices of bribery and corruption. But, in considering the policy of the measure of transferring a franchise to a manufacturing district out of the county in which the borough was situated, it should go for something that Cornwall, in which Penryn was situated, returned forty-two members to parliament; and that Nottinghamshire, in which East Retford was situated, only returned eight. It should go for something also, that close to Penryn there were other boroughs returning members to parliament. Coupling these considerations with the prospect of extending the elective franchise to two thousand voters by transferring the franchise to the hundred, he thought there were strong reasons for not removing the franchise from the county of Nottingham, which did not equally apply to the county of Cornwall. There was an objection which was supposed to exist on the part of government to transfer the franchise of East Retford away from the hundred, arising from the desire they had to invest an individual, the Duke of Newcastle, with the power of returning a member, if the franchise were given to the hundred. He declared, upon his honour, that no consideration of that kind influenced him—he knew nothing upon the subject, except what he had heard in that House. It might or it might not be, that the Duke of Newcastle had such influence; he certainly did not believe it to be so powerful as to sway a body of two thousand voters; but what place could be chosen where some person or persons would not be found to possess considerable influence? It would be mockery to think of selecting any place for the transfer of the franchise which would be perfectly free from influence. All he could say was, that he had no knowledge of the influence alluded to, and he was actuated by no desire of administering to it. If the contrary course from that which he recommended were pursued, and the East Retford franchise were transferred to a large town not in the county, it would increase the already existing disproportion in the representation of Cornwall and Nottinghamshire. Whilst Cornwall returned forty-two members, Nottinghamshire would be reduced to the representation of six. Now, by a comparison of the representation of the county of Nottingham with the other counties of England, the House would perceive, that that county returned not only far fewer members than Cornwall, but fewer even than the average representation of the other counties. The whole representation of England amounted to 489 members. Now, dropping the nine, and dividing the remaining 480 by forty, the average representation of each county will be twelve members. If, then, the number of the present representatives of Nottinghamshire be four below the average representation of the other counties of England, he thought the House should hesitate before it sanctioned any proposition which would diminish that number by two, and thereby reduce the representation of a large and important county, consisting of one hundred and eighty-six thousand inhabitants, to six members of parliament. These were the considerations which induced him to think that if the House should resolve upon the forfeiture of the franchise of both boroughs, and approve of the transfer of one of them to a populous and manu-

facturing district, East Retford was not the borough of the two, whose disfranchisement it would be most fitting to fix upon for the transfer of the franchise out of the county in which the borough was situated.

On the motion that the speaker do now leave the chair, Mr. N. Calvert moved—“That it be an instruction to the committee, that they have power to make provision for the prevention of Bribery and Corruption in the election of members to serve in parliament for the borough of East Retford, by extending the right of voting to all forty-shilling freeholders of the hundred of Bassetlaw.”

At the termination of a long protracted debate, the House divided: For Mr. Calvert's Amendment, 167; Against it, 121. Majority 36.

## GREECE AND TURKEY.

MARCH 24, 1828.

On the order of the day for going into a Committee of Supply, Sir Robert Wilson proposed certain questions to the Right Hon. Secretary opposite, respecting the Treaty which had been entered into on the 6th of July preceeding.

MR. SECRETARY PEEL said, he hoped the hon. member would excuse him if he divided the comments that had fallen from him, from the direct questions which he had proposed. The first question that the hon. member had asked was, whether the king were disposed to adhere to the provisions of the Treaty of the 6th of July, without allowing any circumstances to interfere in procuring the pacification of Greece? On that subject, he had to inform the hon. gentleman, that there was no change whatever in the king's determination to do every thing that lay in his power to give effect to that Treaty; but when the hon. gentleman asked whether his majesty would allow any circumstances to interfere with the prosecution of the Treaty, it was evident that he was asking him to give an answer to a future and hypothetical case; and that it was impossible for any minister of the Crown to answer on a contingent proposition, such as the one made by the hon. gentleman: it was as much as he could do to repeat that no change had at present taken place in his majesty's desire and intention of fulfilling the provisions of the Treaty.—The hon. gentleman had next referred to certain changes which had taken place in the relations between Turkey and Russia. On this point it was sufficient for him to state, that no official information had reached this country on the subject—no declaration of war by Russia against Turkey had been received—nothing was known to have occurred to change the situation in which Russia stood at the time when the Treaty of the 6th of July was concluded. Whatever apprehensions the hon. gentleman might entertain on the subject, he felt that he should best perform his duty by not discussing it, until positive information were received by his majesty's government.—The second question put by the hon. gentleman was, whether or not orders had been renewed, directing the officer commanding the naval force in the Mediterranean to continue the blockade of those ports of the Morea which were occupied by the Turks? In answer to that he would state that, previously to the battle of Navarino, orders were given to the admiral commanding the combined squadron to institute a blockade of those ports in the Morea that were held by the Turks or Egyptians, and to prevent reinforcements being supplied to them. After the battle of Navarino those instructions were considered as remaining in full force, and they had been acted on by the commanders of the allied squadron.—With respect to the removal of persons from the Morea, to be employed as slaves, he had no hesitation in saying, that previously to the signature of the Treaty, an intimation was given to his majesty's government that it was the intention of Turkey to remove from the Morea the female part of the population and the children, for the purpose of settling them in Egypt as slaves; and a distinct notification was given to Ibrahim Pacha, that so violent an exercise of rights, if rights they could be called—that a feeling so repugnant to the established usage of civilized nations—never would be permitted by his majesty, and that this country would certainly resist any attempt to carry such an object into effect.

## PENRYN DISFRANCHISEMENT BILL.

MARCH 24, 1828.

In the debate upon the order of the day for further considering the report of the Committee, Mr. C. Palmer moved, as an amendment, "That it be an instruction to the Committee on the said bill, that they have power to make provision for preventing bribery and corruption in the election of Members to serve in Parliament for the Borough of Penryn, by extending the right of voting to all forty-shillings freeholders in the Hundreds of Peawith and Kerrier."

Sir C. Burrell having seconded the amendment, and Mr. G. Bankes and Mr. Batley having spoken briefly on the subject,—

MR. SECRETARY PEEL said that his hon. friend (Mr. G. Bankes) had completely mistaken what had fallen from him on a former evening, when he expressed his wish to postpone the declaration of his sentiments as to the transfer of the franchise of Penryn until after the question respecting East Retford was disposed of. He then stated that the transfer of the franchise involved considerations of policy, and that he was desirous not to give an opinion with respect to any particular place, until the House had decided whether they had one or two to deal with. At that moment, however, he had made up his mind that the House was at liberty to deal with Penryn absolutely. The ground on which he had come to this conclusion was this—that on three several occasions there had been proof of corruption in Penryn. In 1807, the proceedings which took place in that borough were brought under the consideration of the House. Distinct allegations of corrupt practices were referred to a committee, appointed under the Grenville Act: they examined witnesses on oath, and the report which they made to the House was conclusive as to the existence, to a certain extent, of corrupt practices. This, then, was a distinct warning to the borough, and those interested in the preservation of the franchise ought to have exerted themselves to have prevented similar abuses in future. In 1819, again, complaints were repeated, and the question was again referred to a committee, where it was proved that corrupt practices still continued in the borough, and the House expressed their opinion on the subject by passing a bill, disfranchising the borough. Here were two distinct warnings, and one went to the extent of a practical confiscation, which was a material point affecting the case. These warnings, however, were not sufficient, and at the last election a third complaint was made to the House; and in the course of the session the House, after hearing evidence at the bar—particularly that of Mr. Stanbury—and upon mature deliberation, acting judiciously, came to a resolution, declaring that there prevailed in Penryn that notorious corruption which placed the franchise of the borough at the disposal of the House; and that resolution they seconded by a solemn act; namely, the passing of the bill. It was evident that there must be some termination to proceedings of this kind. The House having declared that the borough ought to be disfranchised, could not be made a court of appeal against their own decision. He was not prepared to advise the House to revoke the solemn decision to which they had come by a majority of 114 to 33. He did not think such a course would add to the character of the House. If any person were to state that he could bring forward new evidence to overturn that which had been previously given, that might present new considerations to his mind; but he had heard nothing of the kind stated. At the present moment he trusted the House would deal with the case before them with the most rigid justice. Should the House agree to the original proposal for transferring the franchise to the large town, or great commercial place, the voters not disfranchised, it was obvious, would feel themselves very differently circumstanced, and placed in a very different relation from that in which they formerly stood. In fact they would only bear the numerical proportion of a hundred and fifty to two thousand, such being the disproportion between the number of the disfranchised voters and the number of new electors, or newly enfranchised persons, with whom they were intended to be amalgamated by the bill. He was still unaltered in his opinion, that substantial justice would not be done by extending, in this case, the franchise to the hundred. In the former case of a transfer so often alluded to in the course of the debate, the House had voted, that the forfeited franchise of the borough of Grampound should be transferred to



Leeds; their lordships, however, subsequently determined, in the other House, that the franchise should be transferred to the county of York. As to the disfranchised parties, in either case it was almost, if not altogether, a matter of indifference to them who derived the benefit of this transfer of the franchise. The franchise was undoubtedly an enjoyment of a private right. In the case of the borough of Grampound both branches of the legislature, however, felt they could not do justice to the interests of the public, unless the electors were disfranchised. Whatever might be his opinion on other delinquent boroughs, he begged to state that he never doubted that the House had a clear right to deal with the electors of Penryn from the notoriety of its corruption. The only doubt he had entertained was as to what was to be done with the forfeited franchise in this case, or to whom it was to be transferred. It was for the latter reason that when, during last session, this question was before the House, he, forming then no part of the ministry, had forbore to express his sentiments on this part of the duty of the legislature. As to the propriety of transferring the franchise of Penryn to the hundred—and here he wished to be understood as saying nothing which could be inferred to allude to the case of the borough of East Retford—he had formed his opinion, and made his mind up, from the thousand circumstances—some even minute ones—which were so often found in life to be the substantive grounds on which persons were often compelled to make up their minds on matters of even considerable importance. In the review of those circumstances he could not exclude from his mind the consideration, that the borough of Penryn was a Cornish borough, and that Cornwall had forty-two representatives in that House: and here he would observe, in answer to an appeal which had been made to the House, by the hon. President of the Royal Society, in favour of the representation of Cornwall—let those persons whose interests were likely to be affected provide in future that their interests should be represented in parliament by competent persons. For himself, he should vote for the transfer of the franchise of Penryn to a large commercial community, because he considered it a fair line of conduct to pursue, as the House had now two delinquent boroughs to deal with, and with propriety, therefore, could adopt the principle of alteration in this particular instance.

The House divided: For the original motion, 213; Against it, 34: Majority, 179. The House then went into the committee. The preamble of the bill, transferring the right of electing two members from the borough of Penryn to the town of Manchester, was read and agreed to.

After some further discussion, the bill, with its amendments, was reported to the House.

In Committee, on a future evening (March 28) after a suggestion by Mr. Warburton, in favour of "the principle of secret voting,"—

Mr. Peel said, he should have been astonished if any hon. member had attempted to introduce into this bill a proposition that votes should be given in secret. He trusted he should never see the day when that principle would be applied to the electors of this country—when those electors would be so lowered in character, that they durst not state their objections openly to the candidate, and make known their reasons for voting against him. That, however, was not the proposition which the House had to discuss; but if it were made, he would decidedly oppose the introduction of any principle into a single bill, which, if good, should be made a general measure of legislation. He objected to the proposed Declaration, because it did not seem to him consistent with good sense or sound policy, to confine regulation to any particular borough, which, if right, should be generally established.

## TEST AND CORPORATION ACTS' REPEAL BILL.

MARCH 24, 1828.

In a Committee of the whole House on this bill, on the second clause being read,—

MR. SECRETARY PEEL said, the only objection which I have heard urged against the course which I recommended the House, on a former evening, to follow, arises out of this clause; and I am informed that it appears to some persons, to give the king

a power to dispense with this Declaration. My opinion is, that it gives no such power: at any rate, I know that I did not intend that it should. The question as far as it refers to this point, is not without its difficulties. By the law as it now stands, any one who enters into the king's service or receives the king's wages, or acts as his menial servant, is compelled to take the Sacramental Test. He is relieved, however, from that compulsion by the Annual Indemnity Act. If that act were not to be passed, he would be under an obligation to take the Sacramental Test, however menial the office might be in which he served his majesty. If I am entitled by the Test and Corporation Acts to call upon every person who enters his majesty's service to take the Sacramental Test, I am entitled, by the proposed act, to make every person who would now be compelled to take that test make the proposed Declaration. Now, in many cases, the performance of such a ceremony would not only be superfluous, but absurd. For instance, what could be more useless and absurd than to make a man who is going to enter upon office on a foreign station make a declaration that he will not, by virtue of that office, attempt to subvert the privileges of the Church of England? It would be difficult to specify in words all the cases in which it would be imperative that the party should make the Declaration, and equally difficult to specify the cases where an exception to that rule ought to be allowed. The object of this clause was to enable his majesty at his discretion to specify those offices in which it would be necessary to exact the proposed Declaration. The object of it was, not to dispense with the Declaration entirely, but to allow his majesty to name what officers should and what officers should not be called upon to make it. This is all that I have to say on this subject at present. I will, however, repeat, that I am satisfied with the security which this Declaration offers. I am not prepared to make any alteration in it to please the wishes of any party. All that has passed since I proposed it, confirms me in the sanguine hope that the present session will not close without our having every question satisfactorily arranged, with respect to Dissenters from the Church of England.

Lord Nugent thought that the office of privy councillor was one which subjected the holder of it to taking the Sacramental Test.

Mr. Peel.—He is covered by the Annual Bill of Indemnity.

The clause was agreed to.

## SUPPLY OF WATER TO THE METROPOLIS.

MARCH 28, 1828.

MR. SECRETARY PEEL (in reply to Mr. Hobhouse, respecting the presentation of evidence) said, that when he returned to office, he found that a commission had been appointed by a former Secretary of State, enabling certain persons named in it to institute a full enquiry into the state of the supply of water in the metropolis. He found that the three eminent persons named in the commission had power to administer oaths to the witnesses who gave evidence before them; and it certainly did appear that in other respects they were furnished with ample powers to conduct their enquiry. As to taking levels and making surveys, he had required an estimate of the expense before he would give his consent, but that had not been furnished him; and he could not agree to embark in any scheme without some limits being assigned to the expense that might be incurred by the country. The correspondence proved, that the commissioners had full powers to conduct their enquiry. He had not told them that they had nothing to do but to make an analysis of the water; but surely, when it was considered that this commission bore date the 5th June, 1827, it was surprising that no analysis had been made, with a view to ascertain the salubrity of the water. He did not think that that alone was all that was necessary; but he did think that no report could be complete without it. If the report of the commissioners should show that the present companies, who derived their supply from the Thames, could not from that source give a sufficient and salubrious supply, he trusted that new companies would be formed for the better accommodation of the public. But the expense of the surveys should fall on those new companies, and not on the public; unless government intended to undertake the supply of water themselves. If they left

it to private enterprise, the expense of employing engineers should belong to the parties engaged in the speculation. He repeated that he could sanction no plans of that kind, without a distinct estimate of the expense. The letter he had written to the commissioners, stating his views of their powers, had been, by his direction, laid before the right hon. gentleman (Mr. S. Bourne) who had issued the commission, and he had entirely concurred in the whole of it. He had no objection to present the evidence already taken before the commissioners, but before he determined to employ engineers he would repeat—"Let us have the report on what they are competent to decide; namely, the salubrity of the water." \* \* \* \* \* He had no objection to the production of the evidence, if the commissioners consented. It might be that they had taken evidence upon only one side of the question in some cases; and if they were to publish that evidence without taking the evidence which might be opposed to it, their conduct would seem to be influenced by partiality. If, however, the commissioners were not opposed to its immediate production, he had no objection whatever.

### THE CORN LAWS.

MARCH 31, 1828.

In a Committee of the whole House on the Corn Laws, Mr. C. Grant moved—"That it is the opinion of this Committee that any sort of corn, grain, meal, or flour, which may now by law be imported into the United Kingdom, shall be admissible for home use upon payment of the following duties:—"

#### WHEAT—IMPERIAL MEASURE.

					s.	d.
52 and under 53	.	.	.	.	34	8
53 — 54	.	.	.	.	33	8
54 — 55	.	.	.	.	32	8
55 — 56	.	.	.	.	31	8
56 — 57	.	.	.	.	30	8
57 — 58	.	.	.	.	29	8
58 — 59	.	.	.	.	28	8
59 — 60	.	.	.	.	27	8
60 — 61	.	.	.	.	26	8
61 — 62	.	.	.	.	25	8
62 — 63	.	.	.	.	24	8
63 — 64	.	.	.	.	23	8
64 — 65	.	.	.	.	22	8
65 — 66	.	.	.	.	21	8
66 — 67	.	.	.	.	20	8
67 — 68	.	.	.	.	18	8
68 — 69	.	.	.	.	16	8
69 — 70	.	.	.	.	13	8
70 — 71	.	.	.	.	10	8
71 — 72	.	.	.	.	6	8
72 — 73	.	.	.	.	2	8
73 — 74	.	.	.	.	1	0

In the course of the debate, Mr. Baring having just sat down,

MR. SECRETARY PEEL said, that the hon. gentleman having confessed the measure to be more favourable to his views than he had anticipated, he could not but be much surprised to hear the hon. gentleman afterwards declare his doubts whether the measure were preferable to the existing system, which it was meant to supersede. He did think that no individual in that House was more deeply impressed than the hon. member with a conviction that any fixed system was preferable to that state of uncertainty, with respect to the Corn-laws, under which the country had laboured for some time past. He had understood the hon. member to say, that for the

settlement of the relations of landlord and tenant, and with respect to the trading and manufacturing interests, it was desirable that the price of corn should be fixed, so far as it was to be fixed or made dependent upon legislative intervention. Under the consideration that last year the bill introduced by government had met with the approbation of the hon. member, he was certainly surprised that he should find such essential differences between the present proposition and that of the preceding year, as to declare the measure before the House not preferable to the state of uncertainty of which he had so much complained. For his own part, he should vote for the present measure; for, profiting by the experience of the last few months, he was convinced that it was fair, equitable, and just. He should vote for it also, because he conceived that any proposition likely to conciliate the good opinion of the House, and to meet with general concurrence, was desirable in every point of view. Last session the House had passed a measure founded upon the principle now adorted by his right hon. friend, and fixing the importation price at 60s.; but gentlemen must be aware of the view that had been taken of that measure in the other House. That House added to the bill of the Commons an amendment, which prohibited the admission of foreign corn out of warehouse until the average price in the home market should rise even as high as 66s. Until the price amounted to this sum, foreign corn was excluded altogether by the amendment carried in the other House. He was quite satisfied that, if the government of that day had thought that such a measure as was now proposed would have been likely to meet with the concurrence of the other branch of the legislature, his right hon. friend who had introduced the resolutions, and his right hon. friend on his left (Mr. Huskisson), would have modified their propositions, so as to render them conformable to the views of both Houses of Parliament. He was sure that his right hon. friend would not have hesitated to relax the details of his theory, by any modification not incompatible with his principles, provided he could have obtained that which was so pre-eminently desirable—a permanent settlement of this question. For these reasons he thought it did not argue the slightest inconsistency on the part of any man who attached a high importance to the settlement of the question, to acquiesce in the proposition of his right hon. friend, and to receive it with gratitude at his hands, if it appeared likely to pass into a law, which would bring us out of the state of uncertainty in which we had been so long placed. He did not support the resolutions merely because he thought them calculated to pass into a law, but because he considered them reasonable and just in themselves. At the end of the last session, the legislature despairing of the accomplishment of any permanent measure, permission was given for the admission of the foreign corn then bonded, applying to it the scale of duties determined upon by the bill introduced in that House. Now, the question to be considered was, whether that permission had been taken advantage of? It certainly had been acted upon to a certain extent: a portion of the corn was admitted, but the attention of the House had not been yet distinctly called to the amount admitted in the several weeks, and the duty paid upon it. He was aware that any conclusion must be attended with uncertainty, if the profits of the seller were not ascertained in the account. One great advantage of a permanent law would be, that it would lead to a gradual importation, and would prevent that violent and sudden supply caused by a fluctuating and unsettled system. It appeared, then, from returns of the quantity of wheat taken out for home consumption under the act of last year, that in the week ending the 13th of July, when the duty was 24s. 8d. a quarter, thirteen thousand quarters were introduced. In the week ending the 20th of July, when the duty was 22s. 8d. the quantity introduced was forty-seven thousand quarters. In the week ending on the 27th of July, when the duty was still 22s. 8d., there was an importation of nearly fifty thousand quarters. In the next week it was thirty-six thousand quarters; in the following week twenty-six thousand quarters; and in the next thirty-eight thousand quarters. In the ensuing week, which brought it to the 24th of August, when the harvest was approaching, one hundred and seventy-eight thousand quarters of wheat were admitted, at a duty of 22s. 8d. The duty rose in the following week, which ended on the 31st of August, to 24s. 8d., and there were then eighty-two thousand seven hundred quarters introduced. In the following week the amount was thirty-seven thousand quarters; and in the next, when the duty was again 22s. 8d. thirty two thousand six hundred and fifty-

five quarters were admitted. He acknowledged that no distinct conclusion could be reached, without knowing the proportion of profits at these different periods; but the general result of this calculation would be found favourable to the establishment of a permanent system, as a protection not only to the manufacturing, but to the agricultural population. The law should be prospective and permanent; and it should be founded on the principle of a duty, and not of a prohibition. The hon. gentleman who spoke last had professed a sentiment, in which he fully concurred; namely, that under the present state of society in this country, and considering the vast amount of property employed in the cultivation of land, as well as with reference to the other interests of the community, it was impossible for the House to apply any rigid abstract principles. The hon. gentleman had justly said, that there were other considerations to be attended to besides that of vested interests. He had said that, under a limited monarchy like this, it was of importance to maintain those interests which rendered so much assistance to the government and to the state. He concurred in this observation. He should be sorry to purchase a depression of the price of bread at the risk of interfering injuriously with those vested interests, which were so essential to the maintenance of the other classes of the state.—But there was another circumstance which had not been adverted to during the present discussion. It could not be denied that, in consequence of the growing population of this country, there was a necessity for looking to other countries for a supply. It was impossible not to see that, in proportion to the increase of population of late years, the quantity of land employed in the production of corn was diminished; but it was appropriated to the production of more profitable articles. The increase of manufactures might diminish the growth of corn; but it did not follow that agricultural property was thereby depressed. The land was devoted to the production of milk and butter, and other articles yielding an equally profitable return. If it were proved to him that at any particular time there was less corn grown in the country, he would not, therefore, admit that agriculture was less flourishing. He would first enquire whether other articles were not produced in its stead, which furnished a suitable price. The land, for instance, in the neighbourhood of London and Manchester was not now applied so generally as heretofore to the production of grain; a great portion of it was devoted to pasture. It was quite clear that Great Britain did not produce sufficient corn for her own consumption. But let it not be forgotten, when they were legislating with a view to the general interests of all portions of the empire, that there was, in conjunction with this island, another country, which did not flourish so much in manufactures, but which possessed great fertility, great powers of production, and vast capabilities of improvement, to which he looked forward for a material addition to the prosperity of the nation at large. It should be considered that, the more the House unduly encouraged the importation of foreign corn, the more it interfered with the supply from Ireland. He did not see what difference should be made between the agricultural interests in Ireland and here. The more agriculture was extended in Ireland, the more the demand for British manufactures would be widened. He did not mean to argue, that agriculture in Ireland should be encouraged to the exclusion of foreign nations, but the House should not forget its importance in the scale, and its great powers of production and improvement. He repeated, he did not give his assent to these resolutions because they were a concession to unfounded apprehensions or prejudice, but because he conceived them to be founded in wisdom and justice. He thought them an equitable adjustment of this great question. They appeared to him a fair and reasonable arrangement, as regarded the commercial and manufacturing interests, and certainly afforded a just and proper protection to the agricultural classes. He knew of no measure more likely to engage a general approval. No system that he was aware of would be so well calculated to prevent the prejudicial changes to which the country had been subject, and to fix a permanent state of things. Much had been said of a remunerating price, and of the standard of 60s., but that could not be secured by any resolution of the House. The price depended upon important causes, over which they had no control.

The resolution was agreed to.

## POOR LAWS IN IRELAND.

APRIL 1, 1828.

In the course of a conversation which arose on the presentation, by Mr. James Grattan, of a petition from the silk-weavers of Dublin, praying that the House would make some permanent provision for the Poor of Ireland,—

MR. SECRETARY PEEL said, that his attention had often been directed to this subject, but the only conclusion to which he could come was, that the introduction of the English system of Poor-laws into Ireland would be most injurious to that country. Indeed he could scarcely imagine any new country, into which the system of Poor-laws that, under various circumstances, had grown up in England, could be planted with safety. Then, the peculiar state of the country should be considered, and, looking to the tendency to an increased population already in Ireland, he should rather think that the application of those laws to it would, by holding out a settlement to the poor, remove every check on population, and encourage more early marriages, and a still greater subdivision of the land. Then, as to the administration of the machinery, he could not see how it could be effected in the absence of the resident gentry. At the same time he was willing to admit, that the situation in which Ireland stood towards England, particularly in relation to the Poor-laws, was most unsatisfactory; but then, as to the application of the English Poor-laws to Ireland, even though its policy were allowed, there could not be found for years a machinery competent to execute the system. Still there were many circumstances that pressed the consideration of it on parliament; such as the relative situation of the two countries since the Union, the facilities of access in consequence of steam navigation, and other matters, which, though not sufficient to induce him to consent to the introduction of the Poor-laws into Ireland, were enough to call for the attention of parliament, particularly so far as they tended to throw the burthen of Irish poverty on England.

The petition was ordered to lie on the table.

## GREEKS—SLAVES FROM THE MOREA.

APRIL 3, 1828.

In answer to an application from Sir Robert Wilson,—

MR. SECRETARY PEEL said, he had already stated, that in 1825, and consequently long before the protocol was signed by the Duke of Wellington at St. Petersburg, and long before the treaty of the 6th of July, his majesty's ministers had received an indistinct intimation, that the commander of the Egyptian forces intended to take away the inhabitants of the Morea to serve in Egypt; and before the treaty of the 6th of July was entered into, a distinct and formal intimation was given to Ibrahim Pacha, that his majesty would never agree to such an exercise of the rights of war, or allow the inhabitants of the Morea to be converted into slaves by force. No attempt was at that time made by Ibrahim to put this intention into practice, and it was not therefore necessary then to take any measures of prevention. He believed it was correct that some women and children had been taken forcibly from the Morea since the battle of Navarino. Instructions had been given to the British admiral before the battle took place, and those instructions were consequently still in force; by which the British fleet was directed to prevent any movement whatever of the Egyptian force, with this exception only,—that if any attempt were made to remove the Egyptian army from the Morea every facility should be afforded for the execution of such an attempt; but it was perfectly understood, that the Egyptian forces only were to be removed, and that any attempt at removing any portion of the population of the Morea was to be resisted. On the 28th of December, a fleet, consisting of forty-five sail, arrived at Alexandria. This fleet was the remnant of that which had been engaged in the action at Navarino. These vessels had on board the disabled seamen and soldiers, and also some women and children, but what the number of them was he could not tell. He had seen an account which rested upon tolerable authority,

and that account stated that the number did not exceed six hundred. For the rest, he could assure the hon. member, that the subject was one to which ministers had given their best attention. Immediately upon the arrival of the intelligence in this country, instructions had been sent out to the British admiral; and in a very short time he had little doubt of being able to enter into full explanations without any prejudice to the public service.

Later in the evening, with reference to some remarks by Sir J. Mackintosh,—

Mr. Peel said, there was one point of the speech of the learned member for Knaresborough upon which he must observe, lest he should be supposed to acquiesce in it. The learned member said, that he presumed the "enquiry," of which he (Mr. Peel), in a former address to the House, had spoken, could be nothing else than an enquiry into the best mode of restoring that part of the population recently carried from the Morea to their country. Now, he was not aware that it was possible entirely to go that length. Undoubtedly, if the instructions of government had been strictly complied with, the transportation of those persons would have been prevented. No blame was to be attached to the conduct of our fleet, the physical powers and means of which had been cramped by the battle of Navarino; but the orders, if it had been possible to have executed them fully, were to prevent any movement of the hostile fleet unless one which should be sanctioned by the English admiral, and of which the object should be to transport the Egyptian forces employed in the Morea back to their own country. As the intelligence at present stood the extent of the spoliation that had been committed was uncertain. Unfortunately, too, those slaves had been landed in Egypt, and sold in the public market. If the ships which contained them had been taken at sea, there could have been no difficulty about their disposal; but now they were probably divided, and the property of private individuals. At present he would go no further than to repeat, that within forty-eight hours after the arrival of the news, the most active enquiry had been entered upon by government as to all the facts connected with the case. Sufficient information had not yet been received; but the investigation was going on.

#### THE POOR LAWS—PAYMENT OF LABOURERS OUT OF THE RATES, &c.

APRIL 17, 1828.

Mr. Slaney, at the close of a speech of considerable length, moved for leave to bring in a bill "To declare and amend the Law relative to the employment of able-bodied Labourers, and the better rating of Tenements under a certain value."

In the debate upon the motion,—

MR. SECRETARY PEEL said, he agreed in all that had been offered with respect to the vast importance of this subject. He agreed also, that it was highly desirable that government should form a decided opinion upon it; but, unfortunately, it was one of those subjects which the more it was studied, the more difficult it was to come to a positive conclusion. It was in vain to call upon government to pronounce a decided opinion; for it was impossible for any man who had a proper diffidence of his own judgment to come to one. He could not think that the want of employment for the people of this country arose from any cessation of productiveness; for within the three last years there had been a greater quantity both of agricultural and manufacturing employment, than in any other three preceding years in the history of this country. How, then, were the increased rates to be accounted for? Did it arise from the operation of the Poor-laws? If so, how came it that in Ireland, where no Poor-laws existed, they were much worse off? In Scotland there was an intermediate system between that of England and Ireland; but there also there was distress, though not great. His impression was, that no effectual remedy could be applied in the present artificial state of the country. Much of the distress arose from the improvement of machinery, and what remedy, he would ask, could be applied against the progress of human enterprise and ingenuity? He was prepared to give his assent to the bill, but he thought it was necessary to consider its bearing upon other regulations connected with the same subject. He thought the law of

settlement was intimately connected with the provisions of the bill. Many of the evils of the Poor-laws proceeded from the law of settlement; but that only shewed the difficulty of laying down any laws which might be applicable to all conditions of society. If the provisions of the bill were carried into effect he was convinced it would be necessary to make considerable alterations in that law. The house could not pass the two measures simultaneously, without considering the bearing of one upon the other. The hon. mover had said a great deal on the abstract principle; but looking at the artificial state of society, and to the state of the laws relative to the poor, and to labour, he thought the hon. gentleman would be more likely to advance his purpose by giving it the full benefit of deliberate consideration. Considering the mode in which the Poor-laws were administered, it was difficult, if not impossible, to foresee how any new principle would work, merely from viewing it in the abstract. Until this measure, therefore, had been more discussed and examined than it now could be, he could not venture to support it merely on the able declaration of the hon. gentleman. In common with the rest of the House, he returned his acknowledgments to the hon. gentleman for the ability with which he had brought the question forward; but seeing how it was connected with other parts of the Poor-laws, he could not give it his support; though the hon. gentleman had his best wishes for the success of his object, which he thought would be most certainly attained by the fullest deliberation upon it.

Leave was given to bring in the bill.

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## EMIGRATION.

APRIL 17, 1828.

Mr. Wilmot Horton rose, to move for leave to bring in a Bill "To enable Parishes in England, under given regulations, and for a limited period, to mortgage their Poor-rates, for the purpose of assisting Voluntary Emigration."

After Mr. Warburton, Mr. Huskisson, Mr. Calcraft, and Mr. Baring had spoken,—

MR. SECRETARY PEEL said, that the hon. gentleman had expressed so exactly the sentiments which he had always entertained on the subject of emigration, that it would be unnecessary for him to occupy the House for many minutes. He had always thought that emigration was an important consideration to a country like this, which had certainly a superabundant population, and at the same time possessed colonies of large extent and fertile soil. To such a country, so situated, good sense and prudence pointed out that encouragement ought to be given to voluntary emigration. It appeared by the evidence that a pauper, to whom £60 was advanced, would, in all probability, be enabled at a certain period to repay it; but if men possessed of capital would emigrate voluntarily, he confessed he should prefer such a state of society in the colonies to one composed entirely of paupers. He could wish that the proposition of his right hon. friend were extended to the whole country. Why should it be confined to the county of Sussex? It was not coercive, but voluntary: let all, then, have the advantage of it. He was only afraid that the interest of the parish and that of government would be different. Government would be anxious that honest and industrious men should emigrate; but he feared that persons whose characters and habits were the reverse would be those whom the parish would wish to get rid of. For the sake of the experiment, industrious men ought to be sent out; and if some check were not kept on the parish, it appeared to him, that the object of his right hon. friend would not be answered. As to the parish ever being repaid, he was afraid there would be no chance of that; and he believed that his right hon. friend had held out no such hope. He should like to see men possessed, say of £5,000, procure land in the colonies, and tempt others to go out as their labourers. He did not see that it was an objection to emigration, that the vacuum would soon be filled up. If he enlarged the sphere of civilization—established a body of industrious labourers abroad, while he removed unproductive labourers from home, and opened new markets to the manufacture of the mother country—then, he



must submit, he had done good by emigration, even though the vacuum should be speedily filled up. Although he did not hope that any outlet could be made by which the population could be materially lessened at home, yet he did hope and believe, that in this way a voluntary and properly conducted emigration would be productive of benefit to the country. If he did not agree with his right hon. friend in all the details of his plan, he could not forget, that it was to his right hon. friend that the country was indebted for pointing out the benefits which would result from a well-conducted emigration.

Leave was given to bring in the bill.

## ANATOMICAL SCIENCE.

APRIL 22, 1828.

Mr. Warburton, after some remarks in favour of the propagation of Anatomical Science, moved "That a select Committee be appointed to enquire into the manner of obtaining subjects for the Schools of Anatomy, and the state of the law affecting persons employed in obtaining or dissecting bodies."

Mr. John Smith having seconded the motion,—

MR. SECRETARY PEEL acknowledged that if ever he entertained a doubt as to the propriety of making some legislative provision on this head, it arose altogether from delicacy and a consciousness of the difficulty of combating successfully with old and confirmed prejudices. At the same time he would admit, it was not a light matter that so many eminent men should feel it necessary to appeal to that House, and state that they felt great difficulty in prosecuting their useful and humane enquiries, in consequence of the obstacles arising out of the present state of the law in this respect. He would be the last man to oppose those gentlemen in their wish to be heard before a committee of that House, if they could suggest a mode to procure a supply of the dead, without offending the feelings of the living. For the enlightened views, the pure philanthropy, and the liberal feelings of medical men generally, he felt so much respect, that he did not hesitate to pronounce them a blessing to their native land, and an honour to humanity; yet he would suggest the necessity of great caution in bringing forward a measure which seemed to conflict with the prejudices of mankind generally, and to wage war with those feelings of respect for the departed which extended beyond the grave. One of the worst possible topics to introduce into his speech was the calculation made by the hon. member, that two thousand dead bodies would be requisite yearly for the supply of the students of the metropolis. The only point, too, in which that hon. member's anecdote respecting the victory obtained over prejudice in the Mechanics' Institute failed, was, not that a few weak stomachs grew qualmish, but that none of those eager disciples of information had, in order to show their disdain of vulgar prejudices, justified the eulogium the hon. member had pronounced on them by offering their own bodies to be dissected; for this vulgar prejudice was not against seeing bodies dissected, but against being ourselves dissected. The attempt to supply the advantages derived from dissection by the substitution of wax models had been very properly denominated merely mangling the living instead of the dead. It had been suggested, that in order to increase the supply, the bodies of all persons dying under sentence for felony should be given up for dissection. To this it was objected, that the practice would diminish the horror felt for a murderer's doom. The hon. member should take particular care, in framing his remedy, that its effect should not be to raise the price of a subject, which was not impossible. In the present state of the public feeling, he should not oppose the appointment of a committee.

The motion was agreed to, and a committee appointed.

## THE CORN LAWS.

APRIL 22, 1828.

In a lengthened discussion which arose on the motion that the House should resolve itself into a Committee on the Corn-Law Acts,—

MR. SECRETARY PEEL said :—I simply object to this discussion, because I cannot see what object it can answer. If there were a general feeling in favour of an adherence to the present law, I could understand why arguments should be introduced against the proposal that the Speaker should leave the Chair; but when I hear the hon. member for Wareham (Mr. Calcraft) talk of the existing Corn-laws as the most pernicious code that ever had existence—and when I find him resting his claim to public confidence on his almost unsupported opposition to it, I cannot discover the principle on which he and others object to go into a committee, by which that most pernicious code is to be amended. Every hon. member who has spoken has expressed his general concurrence in the principle of the new law. In the name of God, then, why are we not to go into the committee, that we may consider the details? The hon. members for Worcester and Wareham have given notice of their joint amendment; and that amendment cannot be moved but in the committee. At least, we have three distinct sets of resolutions before us; but the hon. member for Preston has given, as a reason for not approaching the subject, that the resolutions of the present session are not the same as those of last year. This mode of argument seems to me strange indeed in a deliberative body. After the interval of a year—after the experience of what has passed in that year—and after the additional information we have obtained, is it to be said that this House is bound by some fanciful sense of honour and consistency to adhere to its previous resolutions. True it is, the bill of this House did not pass elsewhere. It is a delicate subject to allude to the conduct of the other branch of the legislature, and certainly nothing can be more unwise than to ask the House of Commons to assent to what it thinks wrong, because the House of Lords refuses to do what is right. But, speaking not theoretically but practically, there may be limits to the strictness with which the House will adhere to its own decisions. If we, on our part, are bound never to deviate, under any circumstances, from our previous decisions, it is a good rule also for the other branch of the legislature. On matters touching the privileges of the House, it may be very right not to give way, but the feelings and interests of the country on general questions may require the adoption of a middle course. Both branches are determined not to yield; there can be no accommodation—no approximation; and while we adhere to the price of 60s., the Lords will persevere in the warehousing clause, and years may elapse before a permanent settlement is effected. As to the opinion of the country on the resolutions of my right hon. friend, though I believe there was a more general concurrence in the measure of last year, than, under all the circumstances, could have been expected, I am satisfied that this measure is at least as palatable. Certainly, when it is said that the project of last year passed by acclamation, it never can be forgotten that the proposition for adopting the price of 64s. was supported by 168 members, who, in point of consistency, are now precluded from taking any other course than giving the present proposition their cordial approbation.

The House having resolved itself into a Committee, Mr. Calcraft moved as an amendment, the adoption of Mr. Canning's scale of resolutions of the last year.—On a division, the amendment was negatived by 202 against 58; majority, 144.

## DELAYS IN THE COURT OF CHANCERY.

APRIL 24, 1828.

Mr. Michael Angelo Taylor moved—"That it appears to this House from the papers laid on the table, as well as from the report of the commissioners appointed to enquire into the practice of the High Court of Chancery, that, notwithstanding the establishment of the office of Vice-chancellor in 1813, further steps are necessary to advance the general interests of suitors in Equity, to provide for the more prompt

decision of cases, and to enable the Court of Chancery effectually to discharge the important duties connected with its jurisdiction."

In the course of a long debate which ensued,—

Mr. SECRETARY PEEL arose immediately after Mr. Baring, and said he felt that he owed the same apology to the House as had been made by the hon. gentleman for venturing to enter into a question of this nature, involving so many matters of a professional nature, having neither the education nor the experience that would qualify him to discuss it fully; but he had an additional disadvantage, or perhaps he might call it an advantage—that he had not had any practical acquaintance with the court of Chancery. The hon. member for Colchester had seemed to consider that some peculiar responsibility devolved on him (Mr. Peel) on account of the state of the court of Chancery. But it must be evident to the House, that it was utterly impossible that he, without any professional knowledge or experience, could undertake himself to reform that court. He could only admit that he had a share of that responsibility, if he had obstructed any enquiry for which sufficient ground had been laid, or if he had refused his assent to any measure, with that view, for which a strong and overwhelming necessity had been shown. He denied the charge wholly. He had never withheld his assistance in the reform of that, or of any branch of the law. He trusted, that in the course of the present session, he had given proof that he was not indisposed to lend his co-operation in any amendment of the law, and he would still further show his feeling when the enquiry was completed. The hon. gentleman who spoke last, had referred particularly to those commissions which had been issued immediately on his (Mr. Peel's) suggestion, but principally on that of the learned gentleman opposite (Mr. Brougham), and the hon. gentleman had cautioned him against placing persons on them, who, from their professional prejudices, would be disinclined to lend their aid to useful reforms. He assured that hon. gentleman, that the appointment of those commissions had engaged his most serious attention. One of the commissions, that for enquiring into the practice of the courts of Common-law, was now completed; and he was ready to give every information as to the terms of it, or the persons of whom it was composed. He assured the House, that in selecting the commissioners, he had not been swayed by any personal predilections or partialities. He had not the slightest acquaintance with one of them. Not one of them had applied to him to be appointed. He had conferred no favour on them; for he had to solicit them to take on themselves the office. He had named them, because, in his honest conviction, they were the persons best qualified for the performance of the duty. The hon. gentleman had cautioned him against appointing lawyers on these commissions; but how was it possible to conduct an enquiry into a matter purely technical, if the lawyers were altogether excluded? It was of very great importance that the confidence of the public should be reposed in these commissions. The names would show that it was impossible he could have appointed them with a view to their parliamentary services. He really did not know the political feelings of any one of them. Nobody included in the commission was connected with office. It was limited to five persons, and whoever heard their names would recognise them as engaged in almost the first practice of their profession. Still they had undertaken it, with a determination to discharge their duty zealously. The country, therefore, had as strong a security as it could possibly have beforehand in the character of the commissioners. The other commission was equally important—that to enquire into the law relating to the transfer of real property. The first was completed, and the other would be completed as early as possible, with reference to the persons who were to compose it.—With respect to the present question, he would not enter into any details of particular cases. He would only apply to the consideration of it on those general principles, which, without any professional experience, he might apply. He should take an intermediate view between those which had been stated in the course of the debate that evening. He would not admit the justice of the unqualified terms of reprobation which the hon. member for Colchester had applied to the court of highest jurisdiction in this country. He was sure that his hon. friend who brought forward the motion did not wish its character to be taken from that speech. In the motion he did not concur; but still less did he concur in the terms of obliquy in which the court of Chancery and its judges had been attacked, as well as the members of the legal profession generally. He would leave it to some

of them to vindicate the honourable profession to which they belonged; as he had no doubt they would do triumphantly. In the course of his enquiry into the criminal-law, he had had some intercourse with them, and he could bear testimony to the disinterested co-operation they had given him. He could not agree with his learned friend (Mr. Sugden), that no remedy could be effectually applied to the defects of the law. He thought that alterations might be made, after deliberate enquiry, which would be very important in their results. These alterations would be in the practice of the courts: their object would be to make the decisions more speedy, and to lessen the expenses of the suits. There was a great deal of truth in the observation of his learned friend, that changes precipitately made, led in their consequences to more litigation, by unsettling the decisions, and instead of diminishing the expenses, increasing them, by rendering the law more uncertain. The proposition of his hon. friend was not for any inquiry of a specific nature, but generally without pointing out what, that there should be something done. It was an abstract proposition, without any particular measure. It was a compendious expedient to pronounce that something should be done, but it gave no notion of the measures to be introduced. His hon. friend had stated, that in a short time he intended to enter more deeply into the subject, when he would make known what specific measure he would propose as a remedy for the evils of the court of Chancery. If that were his intention, he would rather wait till his hon. friend would enter at large into the subject. Instead of acting on his hasty and superficial view, he would prefer to hear his whole and mature proposition. He trusted, therefore, that his hon. friend would consent to withdraw his motion, and not call on the House for any opinion on so loose and indefinite a motion as the present. When he was able to explain specifically what remedy he intended to apply, it would be time enough for the House to interfere.

Mr. M. A. Taylor said, he had never considered that he was called on to bring forward any measure as a remedy for the evils of the court of Chancery, but he had merely stated, that he had prepared some outlines of a remedy, and probably might hereafter state some specific proposition.

Mr. Secretary Peel resumed:—Having the intention then, on some future day, to call the attention of the House to a specific proposition, he would ask again, whether it would not be better to reserve this motion until he could bring before the House the whole question complete? As yet his hon. friend had mentioned only one particular proposition, on which serious doubts were entertained; that of the separation of the bankruptcy jurisdiction from the Great Seal. The hon. gentleman also proposed some additional aid to the court of Chancery. On the former proposition, he, last session, had made a specific motion, and his hon. friend must recollect, that he was opposed by some of the highest legal authorities, who had expressed their doubts as to the policy of the measure. Many of them were of opinion, that no material alteration of the constitution of the court was necessary, as they considered it possible that the court could retain the jurisdiction of bankruptcy, with three judges to do the business of Chancery. There was an unwillingness manifested, on that occasion, to come to any decision, in order that the House might have experience of the labours of the judges before it legislated.—In discussing this question, two matters must be borne in mind; first, whether it were desirable there should be any alteration in the practice of the court of Chancery? So far as the law of real property was concerned, this would be included in the inquiry of the commission which would shortly be appointed. The commission which his hon. friend had praised in such warm terms, was appointed to enquire into the practice of the court of Chancery. His hon. friend treated lightly the volume which had appeared a few weeks ago, under the authority of the Lord Chancellor, the Vice-chancellor, and the Master of the Rolls, containing eighty-three orders for the regulation of the court of Chancery. All those orders were founded on the recommendation of that commission, in which his hon. friend had such full and entire confidence, that he adverted to the evidence taken before it as the groundwork of his motion. These eighty-three orders were all founded on that report, and they were not all that his noble friend, the Lord Chancellor, meant to issue.—His hon. friend should bear in mind the circumstances in which government were placed, since he last year had addressed the House on this subject. During the intermediate time he should consider what must have been the occupations of the Lord Chancellor, which, though they did

not prevent him from attending to the business of his court, had entirely prevented him from considering the changes that should be made in its constitution. The present government itself was constituted only one week before the meeting of parliament. The hon. gentleman, therefore, ought not to convey reflections on government because they had not been able to bring forward any general proposition for the reform of the court of Chancery. He apprehended, it was impossible to deny the great arrear of causes, and of business generally, in that court; and it was equally impossible to deny, that it would be a manifest advantage, not only to the suitors of the court, but for the public at large, and for the character of the country, if causes could be conducted at less expense, and decided in less time. Delay not only added to expense but to anxiety, and that suspense was almost a worse evil than adverse adjudication. These were subjects, which, of course, the government was not unwilling to consider, while it was admitted that there was a greater arrear than ought to exist; but, it ought to be recollected, that it was a diminishing arrear, although perhaps it did not diminish sufficiently fast, so as to leave the court, at any period that could easily be fixed, free for the decision of new matters. The topic of the court of Chancery had been necessarily mixed up with others of high importance which had pressed upon his (Mr. Peel's) attention; but, nevertheless, he had had frequent conferences on the subject with a view to alteration. It was not to be disputed that there was a considerable and an accumulating arrear in the King's-bench, arising from no fault of the judges; who devoted as much time as it was possible for men to apply to their duties. The Lord Chief Justice, and Mr. Justice Bailey, had both made representations to him upon the subject, and the point touched upon by the learned member for Wootton Bassett (Mr. Twiss) had also engaged the attention of government. Here, then, were two courts—the Chancery and King's-bench—overwhelmed with a mass of business. In one instance, the mass was so ponderous that Mr. Shadwell had declared that it would require not three human beings, but three angels, to get through it.

Mr. Brougham observed, that Mr. Shadwell's statement was, that three angels could not get through it.

Mr. Peel trusted that, as that gentleman had been advanced to the bench, and had thus become one of the three, he would display not only human strength, but something of the angelic powers to which he had alluded. If, then, three judges were unable to overcome and to prevent the accumulation of the arrears, the next question was, whether any permanent provision ought to be made for the discharge of the duty; and he was sure that it would not be fit to appoint a new judge, until it had been established that the present number was insufficient. The multiplication of judges and of judicial establishments did not, in his opinion, tend to facilitate the transaction of business. Appeals from one judge to another had decidedly a contrary effect, and constituted one of the chief evils of which we had now to complain. What he contended was, that sufficient experience had not yet been obtained, to enable the government or the House to decide, whether there should or should not be a permanent addition to the judicial establishment of the kingdom. If it were found necessary, the country would not grudge the expense; but the necessity ought first to be established. A plan had been suggested of making the court of Exchequer more efficient. At present it exercised three jurisdictions—equity, revenue, and common-law; and the limitation of the business had been attributed to the fact, that a certain number of solicitors only were qualified to practise in it. He bore willing testimony to the great ability and learning of the barons of the Exchequer, and that the small quantity of business was not to be ascribed to any deficiency on their part; but, certain it was, that, compared with the judges of the King's-bench and Common Pleas, they had little to do. The learned member opposite (Mr. Brougham), had suggested the opening of the Exchequer to attorneys generally; and the quantity of revenue business had of late been so decreased by the new laws regulating the Customs and Excise, that in future it was not likely to occupy any very material portion of time. The equity business of the Exchequer, excepting in tithe cases, gave little relief to the court of Chancery: if, by the addition of another judge, or in any other way, it could be made efficient for that purpose, an important object would be gained; and he believed that this addition might be made without augmenting the establishment of inferior officers in the Exchequer. If it should appear that,

when the present amount of arrear was wiped away, the court of Chancery, as now constituted, would be sufficient for the current business, there might be an advantage in the appointment of a commission, temporary in its duration, to assist in removing the existing accumulation. He forbore from expressing any opinion upon these points, and he had only adverted to them to show that they had not escaped the attention of government. They were, however, involved with other considerations of importance; and that of expense only was enough to induce ministers to pause before they adopted, definitively, any of the alternatives offered to them. With respect to the precise motion, he thought he had good parliamentary grounds for resisting it, without incurring the imputation of an endeavour to procure delay. He was unwilling to assent to an abstract proposition; especially when the hon. mover himself had given notice of his intention to submit a more specific motion on a future occasion. There was no ground for any reflection upon government, and such a proposal was not usually persisted in, unless there were good ground for thinking, that government was determined to resist all enquiry and to impede all remedy. If the hon. member found that the subject was neglected, he might revive it hereafter; and, in order that he might do so more conveniently, he would not meet the motion by a direct negative, but by the previous question, which would not require the House to pronounce any decided opinion.

The house at length divided: For the motion 42; For the previous question 91; Majority against the motion 49.

## THE CORN LAWS.

APRIL 28, 1828.

In a Committee on the Corn-Laws, the Chairman read the first resolution, "That when Barley should arrive at 33*s.* and be under 34*s.* the protecting duty should be 12*s.*"

Colonel Sibthorp moved, as an amendment,—“That when Barley should reach 33*s.*, and be under 34*s.*, the protecting duty should be 15*s.*”

MR. SECRETARY PEEL said, that as the resolution now before the committee had been adopted after mature deliberation, he could not consent to change it. His reasons for resisting the amendment were these: In the case of wheat, the price of last year had been found insufficient; for, under the then scale, the importation had been such, that it had been found necessary to alter the price and rate of duty. They had not had the same experience with respect to barley; as the importation of barley had only just exceeded two hundred thousand quarters—a very small quantity, when there had been such a peculiar demand for it. But, even as the scale now stood, it was higher for barley, considered with regard to wheat, than had ever been before known, with the exception of last year. But they had better not bind themselves merely by what was done last year, but take a calculation for fifty years past, and find the relation which barley bore to wheat and oats. Taking the calculation of the last fifty years, and assuming as the ground of that calculation, that wheat was at 100*s.* the relative proportion which barley bore to that sum was 58*s.* and that of oats 35*s.* Assuming that to be the true scale, and that the duty was 24*s.* 8*d.* on wheat at 62*s.*, in order to maintain these relative proportions, when barley was at 32*s.*, the duty ought to be 13*s.* 7*d.*; but the duty really proposed was rather above that amount, being, in fact, 13*s.* 10*d.* on a price of 32*s.* Oats and barley certainly ought to have encouragement from the legislature; though it ought not to protect the growth of either with the same jealousy as wheat, because the latter might be said to be a staple of life.

On a division, the amendment was negatived by 104 against 47; majority, 57, in favour of the original resolution.

## SETTLEMENT BY HIRING BILL.

APRIL 29, 1828.

In the debate on the motion for the second reading of the Bill to abolish Settlements by Hiring and Service,—

MR. SECRETARY PEEL said, he approached this subject with the greatest hesitation, as he had had no practical experience of the effect of the Poor-laws. He had listened with the greatest attention to the arguments for and against the measure, and he never recollected an instance where it was so difficult to say which side preponderated. What had been stated by the hon. member who spoke last, regarding the division in the committee, was deserving of consideration. All the members of the Select body were, no doubt, actuated by the same desire to arrive at a just conclusion, yet eighteen had divided one way and only two the other. So far as the authority of numbers went, this decision was entitled to great weight; but he could not help wishing that the eighteen had favoured the House with their reasons for being precisely of the same opinion. A report on a subject involving so many complicated considerations, and requiring so much reference, not merely to the Law of Settlement, but to the Poor-laws in general, would certainly have been of great value. To decide only, "That the Chairman be instructed to move the House for leave to bring in a bill to repeal the Acts relating to Hiring and Service," had certainly the advantage of being brief; but he could not say that it was equally satisfactory. The question now was, whether the measure so recommended should be read a second time; and after listening with great pleasure to his right hon. friend (Mr. S. Bourne), he was bound to admit, that some of his arguments deserved the greatest consideration. One of the most important was that which applied to domestic servants; and to that no satisfactory answer had been given. At the same time, he did not despair that some provision might be discovered with reference to their case. If the second reading of the bill were now negatived, of course all possibility of this kind must be at an end. It appeared to him, that as the Poor-laws, at the present moment, were in a great measure the support of the poor, it deserved very serious consideration whether the House, by agreeing to the bill, would not be passing a measure to transfer from personal property a charge now borne by it, and so far to cast an additional burthen upon the land. He must say, that he should be inclined to listen with favour to any argument, founded in justice, which went to increase the proportion of weight of this kind to be sustained by personal property, and so far to relieve the land by shifting the present accumulation. As there was at present a law in operation in populous and prosperous towns, having the effect of subjecting personal property to the maintenance of the deserving poor, he thought it a decided objection to any measure, which tended to relieve personal property and to load real estates. On the other hand, his right hon. friend had used an argument which he (Mr. Peel) did not think conclusive, when he said that the most industrious and deserving class of the poor would thus not be entitled to settlements. He thought that one effect of the bill upon the table would be to augment the number of that class—he meant the class which found labour in parishes, but were not entitled to settlements, and who, in some respects, were in as satisfactory a state as poor could be placed in. It was a strong discouragement to a man to apply for parish relief when he knew, not that it would be withheld, but that there would be considerable difficulty in obtaining it, and that he would thus subject himself to be removed to another parish. Thus they became the most deserving and industrious class among the poor; and, as he had before said, the effect of the bill would be to increase that class. It would not deprive any man of a settlement; for no man would remain without a claim on some part of the kingdom; but it would lessen the objection to give a pauper relief who might be in actual need of it. If the question now were, whether the bill should pass into a law, he was not sure to what determination he should come. At present he begged to be understood as pronouncing no positive opinion; and if hereafter he found good reason to vote against the measure, no charge of vacillation could be fairly established against him. He had so firm a reliance on the judgment of his right hon. friend, that he might, even in the next stage, arrive at a different conclu-

sion. In the present stage, he voted for the second reading, because he thought, on the whole, that the balance of argument was in its favour.

The motion was agreed to.

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## CORPORATION AND TEST ACTS' REPEAL BILL.

MAY 2, 1828.

In the debate on the order of the day for taking into consideration the Lords' Amendments to this bill,—

MR. SECRETARY PEEL, in reply to Mr. Hudson Gurney, said, he did not admit the right of the hon. member to put any question to him as to any amendments made in the bill in the other House. He would not, however, decline the explanation, as he did not see the slightest difficulty in the hon. member's objections. There was nothing in the amendments which ought to induce that House to reject the bill, or any on which a doubt could be raised as to the true meaning of the act. The hon. member objected, that the amendments took away the discretion of the Crown, as to the taking of the Declaration by ministers, or persons high in office; but then the question was, what did the Declaration require of them? That they would not exercise any power, authority, or influence, which they might possess in virtue of their office, to injure or weaken the Protestant Church as by law established. He begged to call the attention of the hon. member to those words. The Protestant Church was permanently established by the Act of Union between England and Scotland, and also by the Act of Union between England and Ireland. The fifth article of the latter act said, "That the Church of England and Ireland shall be united into one Protestant Church, to be called the United Church of Great Britain and Ireland; and that the doctrine, worship, discipline, and government, of the said United Church shall remain and continue as by law established; and that the continuance and preservation for ever of the said United Church, as the Established Church of the said United Kingdom, called England and Ireland, shall be deemed and taken to be an essential and fundamental article and condition of the Union." It was clear that the amendments did nothing for the Church which was not done before. All that it required was, that the party taking office should declare that he would not use the influence or authority of his office to weaken, injure, or disturb in its rights or privileges, the Protestant Church so declared to be permanently established by law. There was no alteration made in the bill of any consequence, except that could be so considered which substituted the words "in England" for the words "within this realm." The addition of the words, "I sincerely, in the presence of God, profess, testify, and declare upon the true faith of a Christian," did not make any material difference. He was unwilling to throw any difficulty in the way of parties making the Declaration, but he did not think that the addition could raise any objection in the minds of the most scrupulous. Any member of any Dissenting communion might subscribe this Declaration. If it were objected, that these words, "in the presence of God," gave a religious sanction to the Declaration, he must say that it came badly from those who made no objection whatever to taking oaths of allegiance and abjuration. The Oath of Allegiance was, "I do solemnly promise and swear to bear true allegiance to our sovereign lord the king, his heirs and successors. So help me God." This oath was under a religious sanction, yet no objection was made to it. Neither was any made to the Oath of Abjuration. It did not appear that any new difficulty was placed by those amendments in the way of parties who might be called upon to subscribe to this Declaration. They gave to it a religious sanction, but did not alter the object contemplated. He would repeat, that he was not responsible for the insertion of those words; but though he considered their introduction by no means essential to the act, he did not think they threw any additional difficulty in the way of those whom it was intended to relieve, nor did they warrant the inference which the hon. member had drawn from them.

Mr. H. Gurney repeated his objection to the alteration in the bill which took from the Crown the power of dispensing with the taking of the oaths by ministers of the Crown.



Mr. Peel said, that the object of that part of the bill was, not to relieve ministers or others in high office, but was intended to apply to persons in subordinate situations, clerks, and others, in whose favour he could wish to see an exemption from taking a declaration which he trusted would bind all who took it. The dispensing power of the Crown was not intended to apply to ministers of the Crown, or others holding high offices. The oath did not apply to members of the legislature; it was only to persons taking office, and in that view he did not see why the originally proposed dispensing power should be extended by the Crown to its own servants.

Late in the debate, on the motion that the amendments be agreed to,—

Mr. Peel said, there were some parts of the bill which he could wish had been differently worded. The words "within this realm" he thought would be much better than the word "England." He also could wish to see clerks and persons in subordinate stations exempted from the necessity of making the Declaration. However, as the noble lord had not thought it expedient to propose any alterations in those parts of the bill, he did not feel called upon to do so. In taking his leave of the bill, he would say, that he had at first opposed the measure, because, as the question had not been discussed for nearly forty years, and as there had been a cessation of religious differences, he was afraid of sanctioning the introduction of a measure, by which those differences might be renewed. He did not, however, think, nor had he stated, that such a test as the acts had imposed was necessary; but he had said that the act was the less severe by the operation of the Annual Indemnity Bill. When, however, he saw that a large majority of the House was in favour of the repeal, he had to deal with a new question—whether it were better to continue the act, or go on with the repeal; and in these new circumstances he was at liberty to act as they demanded, and he did from that time co-operate, and nothing that had been said, had been sufficient to convince him that he had taken a wrong view of the case. Many persons had intimated to him, that if any opposition were continued on the part of government, it would tend to the increase of those majorities; and it was suggested that it would be better not to oppose it. He had no doubt that the majorities would have increased, but no fear of such increase had induced him to give the measure his support. He did so because, after the decided opinion of the House, he thought it would be unwise to agitate the question of a solemn Sacramental Test, or to impose that on unwilling parties, which, if taken from unworthy motives, would involve guilt of the most enormous kind. After the decision of the House, he did think that the time was arrived for abrogating that Test altogether. In the bill as it passed that House, he had proposed a Declaration, to which he did not attach a religious sanction; because he thought that, as the same parties who made that Declaration would be called upon to take the Oaths of Allegiance, Supremacy, and Abjuration, the calling in the aid of religion to the Declaration might as well be avoided; particularly as it was fair to assume, that those who were to be called upon to take the Oaths were Christians. He must admit that he did not think the bill had been improved in its progress through the House of Lords. But he agreed that the amendments there made were not of such importance as that, on their account, any risk of losing the bill should be encountered. With respect to the part taken in the discussion of the bill in the other House by the right rev. prelates, he thought it was creditable to them in the highest degree. It had been said, that the bishops were more attentive to their temporal interests than to the spiritual concerns of the Church. Never was there a more unfounded libel on any class of men. The objection to a Sacramental Test as a civil qualification was general amongst that right reverend body, and they were only reconciled to it, in any degree, by the passing of the Annual Act of Indemnity. If they had wished to maintain that Test as a qualification for civil office, there might be some reason in the charge; but as they were opposed to its continuance, he could not conceive why they should have been made the objects of so wanton an attack.

The amendments were at length agreed to.

LAW OF EVIDENCE BILL—OFFENCES AGAINST  
THE PERSON BILL.

MAY 5, 1828.

MR. SECRETARY PEEL said, that in moving that the House should resolve itself into a committee on the Offences against the Person Bill, he would shortly explain the general objects of that measure, as well as of another which was before the House. One of the bills was intended to make an alteration in the existing mode of receiving evidence, and the object of the other was to consolidate the existing statute-law with respect to offences against the person. These bills had been prepared in furtherance of the system which had been for some time acted on of consolidating the statute-law. They had been prepared under the immediate and direct superintendence of the noble marquis (Lansdowne) who lately held the situation of Secretary of State for the Home Department. The object of this enactment was to introduce into our existing law some alterations which had been considered for years desirable, by persons whose knowledge of the subject and experience entitled their opinions to credit and respect. There were four clauses only in the bill. The first referred to the admissibility of the evidence of Quakers and Moravians in criminal cases. At present, their asseveration was admissible in civil cases, and civil cases only. This clause proposed, in order to assimilate the administration of justice in criminal to that in civil cases, that these persons, whose evidence was objected to on their asseveration, should be placed with respect to criminal cases on the same footing as they had long since been with reference to civil cases. As far as cases went, he could cite enough of them to show, that numbers of these persons, from religious scruples, had suffered their wrongs or injuries to be unredressed; and the parties guilty of criminal offences against this class of Dissenters had too often, from this cause, been suffered to escape, through the unwillingness of such prosecutors, or such witnesses, to give evidence on oath.—And here he would observe that this was not at all intended as a boon to that class of persons—they disclaimed any such privilege—but as a means of rendering them competent witnesses for the purpose of benefitting thereby the community. The object of the second clause was to allow persons interested in cases of forgery to be received as competent witnesses; as the law now stood, a party injured by, and therefore interested in, a case of forgery, was precluded from giving his evidence, which he looked upon as a serious perversion of the ends of justice.—The third point intended to be accomplished, was the restoration of all persons who had laboured under civil disabilities in consequence of previous convictions for felony, and otherwise, and had expiated those offences, to be again competent witnesses in criminal causes or actions at law. There was, however, to be a special reservation in this respect, of all persons who had been convicted of perjury; as, for a very obvious reason, it would not be wise to admit the evidence of persons who were notoriously regardless of an oath.—The second bill which he meant to introduce, included the whole statute-law of the country relating to offences against the person. The effect of this measure would be the repeal of fifty-seven acts of parliament on that subject. These laws, as they now stood, were obscure and intricate; and the object of the proposed measure was not so much to consolidate them as to simplify them and to make them clear. The House was aware of the distinction there existed in our present law, as to petty treason and murder. There was no just ground for a distinction between other murderers and persons who were guilty, as wives, of the murder of their husbands; as servants, of the murder of their master; or as clergymen, of the murder of their ecclesiastical superior. In fact the law afforded such heinous criminals superior advantages; first, in permitting them to challenge peremptorily thirty-five persons empanelled on the jury to try them; and secondly, in rendering it necessary, similarly to the proceeding in cases of actual treason, that the commission of the offence of petty treason should be proved on the oaths of two witnesses. Now, he could not, in cases of this description, see any good ground for departing from the general rule adopted in our courts in cases of murder; on the contrary, he conceived that in all such cases the practice ought to be uniform.—There was also another alteration. According to the existing law, a person knowingly concealing a murderer, was, under the law of William, liable to imprisonment

for one year, or for a greater period of time. But he thought it would be right to make this a capital offence; and in support of his argument he mentioned several recent murders which had taken place, as instances of the manner in which the ends of justice were frustrated by the concealment of the guilty persons. There was another criminal case in which he wished to make an alteration. As the law now stood, in all cases where parties were accused of murders committed abroad, an examination must first take place before the privy council; as in the case of Governor Wall. This was productive of great inconvenience; and he meant to propose, that an examination before a justice of peace in such cases should be sufficient. — The next point to which he wished to call the attention of the House was an act, commonly called Lord Ellenborough's Act, by which all cutting or maiming with a sharp instrument, or firing with a gun or pistol, with intent to kill or do some grievous bodily harm, was held to be a capital offence; while all attacks with the same intent, if made with a blunt instrument, was visited in a different manner. He could not see why the one species of attack should be differently punished from the other; and therefore he proposed that, upon conviction, the punishment should be the same in both cases. He would instance a case of recent occurrence in which a man, named Howard, attempted with a blunt instrument to murder a Mr. Mullay, whom he had enticed to his residence under false pretences. Where, he would ask, was the difference, in moral turpitude, between a mortal blow given, or attempted to be given, with a stick, or with dumb bells, and a like attempt made with a sword or pistol? — The bill also made a material alteration in the law relative to the wilful concealment of the birth of a child by its mother. At present, the law applied only to cases of unmarried women; but according to the proposed change, any woman, whether married or not, who concealed the birth of a child, be it stillborn or otherwise, would be deemed equally guilty. It was also proposed, that in case of a woman being tried for the wilful murder of her child, and the evidence not being sufficient fully to substantiate the charge, the jury should be left to decide as to the wilful concealment, and the individual should be punished accordingly. He thought there was no valid difference between the cases of married and unmarried women; instances might occur in which married women might conceal the births of children, as where their husbands had been absent from the country for so long a time as to render the illegitimacy of the children a necessary consequence. A woman might thus be tempted to conceal the birth. The question was one of great difficulty. It appeared to be somewhat severe, that in cases where children were stillborn, a woman should not be permitted to hide her shame; but the very operation of this feeling, and the great ease with which a newborn infant could be put to death, might lead to the worst consequences. It was extremely inconvenient to leave the wilful concealment of birth without any penalty. In all cases it was very difficult to say whether a child were or were not stillborn. If, then, the punishment were founded on just principles with regard to unmarried women, he considered that it would be equally just to extend it to cases of women who were married. The bill also made a difference in the law relative to forced abduction, whether for the purpose of violation or marriage. At present, the crime of abduction of a woman without the consent of her parents, extended only to the heiresses of land; no provision being made for the protection of those who were to inherit wealth, however enormous, in the public funds. It was clear that the law ought to be the same in all cases; whether the abducting party had the prospect of inheriting land or money. There were some other points in the bill to which he should hereafter take occasion to refer; there were, however, one or two more, which he would now notice. The bill as it at present stood, exempted from the penalties for murder, persons who should kill other persons in endeavouring to prevent acts of felony. This point required alteration, and he should propose a clause indemnifying only under certain circumstances. There was, however, one point which he meant to propose materially to alter; it was a point very difficult to discuss; but so strongly was he impressed with its necessity, that he felt it his duty to state what alteration he intended to propose. There were three offences specifically referred to in the bill; the first was, the crime of rape; the second, the offence of carnal knowledge of a child under the age of ten years; and the third was the crime "*inter Christianos non nominandum*." In these cases, a certain description of proof was

required by law, which to him appeared wholly unnecessary, and with respect to which he considered that some alteration ought to be made. From his experience during six years as Secretary of State, he was aware of the manner in which public justice was often thwarted by this unnecessary difficulty which the law had placed in its way. It was well known, that in the cases of rape, of carnal knowledge of infants, and of that other offence, two kinds of proof were necessary to conviction. It was his strong impression, that one of those descriptions of proofs was unnecessary; and that it was not necessary to a capital conviction, to prove more than that which constituted the moral offence, as far as the offending party was concerned, and as far as regarded the suffering of the unfortunate female who was the victim of the offence. It had been well observed by Lord Hale, that although rape was a most detestable crime, and ought to be severely punished, it was one upon which a charge could easily be made, hard to be proved, and harder still to be contradicted, even by a person ever so innocent; and if he thought that any alteration of the law, such as he was about to propose, would lead to false accusations, he would be the last to offer such proposition to the House. But he was of opinion, that one of the proofs required in such cases was unnecessary; because, if a party conspired to bring forward such an accusation, that party would be ready to prove all, would probably be a party in perfect knowledge of all, the circumstances, or, if not, would be easily supplied with the additional evidence necessary to convict. It was, however, a question of great delicacy and importance, and he now threw it out, in order that gentlemen might turn their attention to it. He could conceive but one objection to a change; namely, that by diminishing the proof, we should be increasing the number of false prosecutions. He did not, however, consider that such would be the fact. If cases of rape were difficult of proof, how much more difficult was the requisite proof in the two other cases to which he had referred. In these cases, how was it possible to prove the completion of either offence, to the extent which the law required? The difficulty was so great as almost to preclude the possibility of conviction. The demand for specific evidence of the offence was a great obstruction to the ends of public justice, and a great accumulation of the misery which the unhappy victim had to undergo. The alteration in the law, such as was proposed, would be only the re-establishment of the ancient law of England, as it existed. He had consulted a number of authorities, and had found that, up to a recent period, one of the proofs only was deemed necessary to conviction. In 1721, the case of a man named Duckworth was argued before the twelve judges, when six were found to hold one opinion, and six another; in consequence of which the man was tried and found guilty of a misdemeanour only. In 1777, a man was executed, who had been found guilty on one species of evidence only. His case had been argued by the twelve judges, who had decided that one species of proof only was necessary, and the man was executed. In 1781, a man of the name of Hill was tried before Mr. Justice Buller, and found guilty, upon one of the proofs only. His case was reserved for the twelve judges. It was argued when Lord Mansfield was present; four of the judges were of opinion that one proof only was necessary; the other judges differed from that opinion: Lord Mansfield gave no opinion, and the man was not executed. Since that decision the uniform practice had been to require evidence as to the two proofs in all such cases; but until the year 1781, the interpretation of the law was different.—As the bill had passed the Lords, he should not press it through the House without giving ample opportunities for considering it in all its bearings.

The House having resolved itself into a Committee on the Law of Evidence Bill, Mr. Wynn objected to the clause which permitted the affirmation of Quakers and Moravians to be taken in courts of justice instead of an oath, in criminal cases.

Mr. Peel was of opinion, that a considerable laxity of evidence would be introduced by acceding to the suggestion of the hon. gentleman. It would lessen the amount of the public confidence in evidence given in the courts. He was surprised at the hon. member's reference to Scotland; for there an oath was administered, and that by the judge, in the most solemn manner; the words being, "I swear in the presence of Almighty God, as I hope to be saved on the great day of judgment." Without strong practical proof of the injustice of the present system, he should be unwilling to extend the exceptions. He thought the inconveniences of requiring an oath in our Criminal Courts were very small, while, he believed, the permission to dispense

with it would encourage the creation of a number of new Sects. If they went thus far, they ought to go a step further, and allow every man to choose the form of oath, or affirmation, which he might consider to be binding on his conscience.

The two Bills, with certain amendments, were passed through the Committee, and ordered to be reprinted.

### ROMAN CATHOLIC CLAIMS.

MAY 8, 1828.

Sir Francis Burdett, at the close of a long and elaborate speech, moved, "That this House do resolve itself into a Committee to consider the State of the Laws affecting his majesty's Roman Catholic subjects in Great Britain and Ireland, with a view to such a final and conciliatory adjustment, as may be conducive to the peace and strength of the United Kingdom, to the stability of the Protestant Establishment, and to the general satisfaction and concord of all classes of his majesty's subjects."

Mr. Brougham seconded the motion; and, after a protracted debate, Sir Harry Inglis, at one o'clock in the morning, moved an adjournment till the following day.—Agreed to.

MAY 9, 1828.

In the resumed debate on Sir Francis Burdett's motion,—

MR. SECRETARY PEEL said, that the right hon. and learned gentleman (Sir James Mackintosh) who had last spoken, held out little encouragement to discussion on the part of those opposed to him. According to his view, those who happened to think the laws which he desired to get rid of connected with the security of the Protestant Church, stood opposed to such a mass of authority, as well as such a force of general opinion, as ought to induce them at once to defer, almost without taking the trouble to exercise their judgments. But though he admitted the combination of talent by which those who resisted the question before the House were opposed, and the truth and the sincerity of the conversions which had recently taken place upon it, still those in whose minds no disposition to change existed, but who rather found their original belief strengthened by consideration, were entitled to state to the House the grounds upon which that original belief was fixed. Let the real merits of the question be what they might, it was the bounden duty of persons so situated, both to the Crown and to the country, to come forward and declare temperately, but manfully and firmly, how it was that the arguments which had wrought conviction on others, had failed to produce any effect on them. There was another reason beyond those stated by the right hon. member, which would have inclined him to remain silent, if it had been possible for him to do so; and that was, the slight hope which he felt of being able to say any thing new upon the subject. He should be compelled to repeat, he feared, to a reluctant audience topics and arguments which had been already urged almost to satiety, and upon which the most promising expectation he could hold out was, that he would detain the House not one moment longer than was absolutely necessary. The case, however, as it stood, left him no alternative but to take this course: he had no desire to obtrude his sentiments; but the repeated and personal allusions of the hon. baronet who opened the debate, made it incumbent upon him.

The hon. baronet who introduced the question, had made a particular appeal to him upon one part of the subject, which it was impossible not to perceive was peculiarly distasteful to the House. He alluded to the Treaty of Limerick. The hon. baronet founded his claim, not upon any ground of abstract right or justice, but upon the plea, that on a certain occasion a solemn compact had been entered into by those who might be considered as the representatives of the Irish nation at the time being, for which a valuable consideration had been given by that people, and which had never been perfected, up to the present hour; and he had reminded him of a former declaration which he had made,—that if he could be satisfied that any of the privileges which the Roman Catholics now demanded could be claimed under the provision of that treaty, it would materially alter his view of the question.

Now, he did not mean to escape from this pledge by any denial or qualification of the terms in which it had been given. There were some persons who thought that the length of time which had elapsed since the execution of the treaty would be an answer to the contents of it; but he was not of that opinion. He had stated distinctly—and it was a principle from which he felt no desire to depart—that it would be a case of a very different nature to justify the withholding of privileges stipulated for by treaty, and to refuse granting those same privileges as a question of abstract policy; but, after having again and again referred to the Treaty of Limerick itself, and to every contemporary document which could go to explain it, if he were placed in the situation of arbitrement proposed to him by the hon. member for Westminster, he should conscientiously say, that of all the points ever presented to his mind, the reading of that treaty was the plainest. He was at a loss, indeed, to understand how any man who read the Treaty of Limerick, taking it in connexion with the laws and institutions of the time in which it was executed, could find a shadow of reason for supposing that it had ever contemplated the unrestricted admission of the Catholics to political offices and to seats in parliament. He had never denied, or doubted, that the first article of that treaty had reference to the whole of the Roman Catholic body. No doubt it had been meant to include the Catholics of Ireland generally, and had not been confined to the population of Limerick. But the difference between him and the hon. baronet was upon the nature of the privilege which the treaty conveyed; and it was impossible for him not to be of opinion, that its effect, in the hon. baronet's argument, was entirely overrated. He addressed himself to this subject, not merely to vindicate his own views upon the question, but to protect the names of King William himself, of Lord Somers, and of the whole body of the Whig ministers of that day, as well as of Mr. Pitt, Lord Cornwallis, and Lord Castlereagh, from the infamy which must attach to them, if the arguments of the hon. baronet were capable of being sustained. If it were possible that William III. had intended, by the Treaty of Limerick, to grant the Catholics any of the privileges which the hon. baronet contended for, merely upon their taking the Oath of Allegiance, he would deserve, instead of being quoted as of "glorious memory," to be held infamous for a violation of good faith, which no circumstances could justify. He believed, however, that he should be able to show that the illustrious persons of whom he had spoken were none of them obnoxious to the charges which the hon. baronet had made against them. Neither the representatives of King William, nor the Catholics themselves at Limerick, had ever contemplated that any of the privileges now talked of were to be granted. He regretted, indeed, for the sake of the Catholics themselves at the present day, that the hon. baronet, and those who thought with him, should have carried their case back to so remote a period. There were circumstances in the conduct of the Catholics of Ireland at the time to which the hon. baronet had referred, which it would have been wiser, on all accounts, to have left in that oblivion to which Catholic writers themselves had felt the advantage of condemning them. He was not disposed to revive animosities by adverting to topics which it was impossible to touch, except in terms of reprobation; but when a misapplied ingenuity attempted to make a case for the Catholics out of these very acts and occurrences, such a course was calculated only to throw suspicion upon the cause which was believed to be supported by it. His present business, however, was with the provisions of the Treaty of Limerick: and this was the last time—he might promise the House so much—that on any occasion he would refer to it. He would not have dwelt upon it now, if he had not been challenged by the hon. member for Westminster to support the motion before the House on the ground of a former declaration with respect to it, and if he had not feared that his silence on the subject might be misinterpreted or misunderstood.

The hon. baronet argued that the first article of the Treaty of Limerick gave an exemption to the Catholics from all disturbance on account of their religious opinions. The answer to this assertion would be short; and he trusted that the House would arm themselves with patience to attend to it. The first article of the Treaty of Limerick stipulated, "that the Roman Catholics of Ireland should enjoy such privileges, in the exercise of their religion, as were consistent with the laws of Ireland, or as they did enjoy in the reign of King Charles II.; and their majesties, as soon as their affairs would permit them to summon a parliament in the kingdom, would endeavour

to procure the said Roman Catholics such further security in that particular as should preserve them from any disturbance on account of their religion." Now for the view which the Catholics might be supposed to have entertained of the effect of this article. Was it to be believed that the Catholics of Limerick, assisted as they would be by the best legal advisers of their own body, would have rested their claim to entire freedom from all disabilities, upon words so vague and unsatisfactory as these? The right hon. member who spoke last had alluded to the opinion of Lord Somers, and had denied the position of his right hon. friend near him, that there was a wide difference between the freeing the Catholics from all disturbance on account of their religious belief, and allowing them to hold seats in parliament: and the right hon. gentleman had relied upon those words of Lord Somers, in which he said, that "the heaviest penalty short of death which could be imposed upon any man, was the rendering him incapable of filling any public office." But he entreated the House to hear, from the very same document from which that quotation was extracted, the real opinion of Lord Somers upon the question of the disabilities of the Catholics of Ireland. The question, in the case to which Lord Somers immediately referred, was one of exclusion wholly different from that under which the Catholics laboured. It was not an exclusion from office arising through or out of the administration of a particular oath. The law against which Lord Somers complained, was a law which inflicted penalties and disabilities upon Dissenters for non-appearance at the places of worship of the Established Church. It was the well-known Occasional Schism Bill, by which perpetual disqualification for office was inflicted upon Dissenters, under particular circumstances. But when the right hon. member used the authority of Lord Somers, against the severity of an exclusion which arose out of a qualification by oath, he was surprised that the right hon. gentleman could lay himself open by a statement which admitted of such ready answer. For Lord Somers, in the very same document to which the right hon. gentleman had referred, used these very words:—"The Lords look upon the fixing a qualification for places of trust to be a duty so entirely lodged in the legislature, that, without going so far even as to assign any reason, a government may put such rules, restraints, and conditions, on those who serve in any place of trust as it sees cause for: but penalty or punishment is of another nature." Then here, it appeared, Lord Somers himself distinctly laid down the difference between the penalty imposed in the case which he first alluded to upon the Dissenters, and that to which the Catholics were liable, which arose out of their inability to take an oath. But he went on to speak of the Catholics by name; for he said—"Popery has ever been looked upon as that which we ought most to fear and guard against, being our most restless and formidable enemy; and therefore there has always been held to be a wide difference between the case of the Papists and the Protestant Dissenters."

To quit, however, the question as to Lord Somers, which went only to the declaration of an individual, however highly gifted, he was anxious to say a few words more, to show the House how impossible it was that the Catholics themselves could have contemplated an entire freedom from all disabilities, by the terms of the Treaty of Limerick. He had already commented upon the vague and unsatisfactory terms in which that Treaty was couched, for the purposes for which it was now desired to use it. Would it be believed, that the Catholics would have trusted to such terms—that they were not capable of having clearly explained and stated all that they expected to be permitted to enjoy? Let the House look to the treaties signed about the same period—at the Treaty with the Marquis of Ormond, for instance, which was made in 1648. And it must be recollected, that all these treaties must be construed, where any thing as to which a question could be raised appeared upon them, with reference, not to the state of the law and of general affairs at the present day, but to the condition of things at the time when they were executed. Where "toleration," for instance, was promised, it became necessary to look back to what would be considered as toleration in that day. The first article, therefore, of the Treaty of Limerick, which undertook to preserve the Roman Catholics from any molestation on account of their religious faith, must be taken with reference to the laws of Queen Elizabeth, which made it penal to deny the Queen's supremacy, and enforced the uniformity of Common Prayer. By those laws, every subject was compelled, on pain of penalties, to attend the worship of the Established Church: the

maintenance of the authority of the pope subjected a Catholic to punishment. It was with reference to this state of things that the promise of full toleration to the Catholics must be considered. They said, "Give us toleration: give us the full privilege of exercising our religion—relief from penalties, in case we do not choose to attend the Church of England, and freedom from fine, if we assert the supremacy of the Church of Rome." This was asked, and this was granted; but it was widely different from the grant of free admission to political power. But, in the year 1648, a treaty was concluded with the Marquis of Ormond. A short glance at this document would show, that the Catholics knew how to explain their meaning, and to obtain competent guarantees for what they wanted. By the first article of this treaty, it was stipulated—"That all and every the professors of the Roman Catholic religion within the said kingdom, shall be free and exempt from all mulcts, penalties, restraints, and inhibitions that are or may be imposed upon them by any law, statute, usage, or custom whatsoever, for or concerning the free exercise of the Roman Catholic religion; and that it shall be likewise enacted, that the said Roman Catholics, or any of them, shall not be questioned or molested in their persons, goods, or estates, for any matter or cause whatsoever, for, concerning, or by reason of, the free exercise of their religion, by virtue of any power, authority, statute, law, or usage, whatsoever." Why, these words were at least far more full and comprehensive than the words of the Treaty of Limerick. But, were the Catholics satisfied with these words? Did they feel them a sufficient security? No: they made a further article to the treaty—the fifth—which declared, that—"It is likewise concluded, accorded, and agreed, and his Majesty is graciously pleased, that as soon as possible may be, all impediments which may hinder the said Roman Catholics to sit or vote in the next intended Parliament, or to choose or to be chosen knights and burgesses to sit and vote there, shall be removed, and that before the said Parliament." Then forty years earlier than the Treaty of Limerick, when the Catholics meant to treat for political privileges, did they trust to a vague and uncertain description of their rights? They did not. They declared distinctly what it was that they desired to have granted to them; and in the body of the treaty those rights, in plain direct words, and not accruing by any inference, appeared.

But, to add one word more upon the Treaty of Limerick—to take it upon its own merits since it had been relied on: as it seemed to him (Mr. Peel), the argument of the hon. member for Dublin, as to the proclamation which had preceded that treaty, was decisive upon it. This proclamation, which was published on the 7th of July, 1691, the Treaty of Limerick being signed on the 3rd of October, warranted those who accepted the offer of conditional submission which is held out to them, that they should have nothing to fear on account of their religious opinions; and pointed out to them the extent of toleration enjoyed by Catholics in England. Now, had the Catholics of England at that time access to political offices? The whole House would be aware that they had not. But, to go even further than this, if, upon a proposition so plain, any thing further could be necessary:—one of the conditions proposed by the Catholics in Limerick (by Sir Toby Butler) for capitulation, was, "That the Irish Papists should be capable of holding military and civil offices." That proposition the besieging general, Ginckel, rejected, because it was contrary to the law of England; he erected a fresh battery on the same day, and pressed the town; and the consequence was, that twelve other articles of capitulation were constructed by himself, and accepted by the Catholics. Why, then, after absolutely refusing the Catholics the right of holding military offices in one capitulation, was it possible to say, on the authority of at most a vague and indefinite expression, that he gave them that right, and ten times more, directly after by another? The question did not pass *sub silentio*: it was discussed in the English House of Peers. Here, then, was parliament on 22nd of October, before the ratification of the treaty, discussing the subject of the introduction into Ireland of the Oaths of Abjuration and Supremacy. It was unnecessary for him to enter into a grave consideration of this question; but he would ask whether, whatever might be the circumstances of the English parliament, it could be supposed that any set of men of eminent character would, two weeks after a treaty which gave up Limerick, consent to violate the conditions of that treaty, and that the subject should not be even questioned? There was a conference, too, and Lord Rochester reported



from the committee of the Lords the reasons of dissent, with regard to the proviso in the treaty brought down to the Lords by the Earl of Nottingham. The question of the treaty was, therefore, under consideration. The Tory party did insist that the proviso ought to be allowed; but there was no exception as to any party's admission into parliament. He made these observations to show that the question did not pass *sub silentio*. Whether the Catholics had or had not seats in parliament in the time of Charles II.—a point which, he admitted, would weigh in their favour if the fact were so—was a question which never entered into discussion; the question related to the free exercise of their religion without molestation. Having stated the grounds upon which he had come to the deliberate conclusion, that neither party considered the question of admitting the Catholics into parliament as the point in dispute, he should now close this part of the subject, and should never hereafter mention the Treaty of Limerick.

Now, one word as to a more recent period of our history. The hon. baronet who introduced the subject had contended, that at the Union, although there was no express engagement entered into by the legislature, still government did induce the Roman Catholics of Ireland to entertain a firm persuasion, that after the Union they would be admitted to all the privileges of British subjects, and that thereby they were prevailed upon to support the measure. It was impossible to deny, that, after the Union, an attempt was made to introduce a condition for the admission of the Roman Catholics into parliament, which was left to Mr. Pitt. The Roman Catholics, no doubt, did entertain a persuasion, which certainly influenced them, that the Union would facilitate the question; and Mr. Pitt thought that there would be less difficulty in discussing such a question in the United parliament. But he must deny that Mr. Pitt, Lord Cornwallis, or Lord Castlereagh, gave any engagement, express or implied, or did any act binding on honourable men which implied a pledge for the admission of the Irish Catholics to parliament. It was right, for the sake of the credit of distinguished men, that this blot of bad faith should not rest upon their characters, or be suffered to influence the present deliberations of parliament; and therefore it was that he thought it incumbent upon him to rescue their names from obloquy. It had been said that Mr. Pitt sent in his resignation, and that Lord Cornwallis and Lord Castlereagh resigned, because the pledges they had given had not been redeemed. The right hon. member for Kerry might, if he pleased, answer for those personages, but he (Mr. Peel) thought it would be more satisfactory that they should be brought forward to answer for themselves. They denied that any pledge was given. He was satisfied that if the member for Kerry who spoke last night, had thought that there was an obligation to resign office on this ground, he would have resigned himself. He, however, continued in office after that event; and therefore he was entitled to assume that he thought there was no obligation to resign. Lord Castlereagh and Lord Cornwallis proved that they conceived there was no obligation to resign, for they distinctly denied that such was the cause of their resignation. They admitted that they attached great importance to the question; and they also admitted that the rejection of the advice they had given rendered it necessary that they should resign their places as ministers; but there was a manifest difference between resigning because their sovereign did not receive their advice, and resigning because they had given a pledge which they found it impossible to redeem. Whatever inference the right hon. gentleman had derived from the resignation of Mr. Pitt's ministry, he (Mr. Peel) must place greater confidence in the declarations of Mr. Pitt himself and his coadjutors. In the year 1801, immediately after his resignation, Mr. Pitt stated that he had entertained a belief that the Union would facilitate the question, but he denied that any pledge whatsoever had been given to the Roman Catholics. In 1805, when Mr. Pitt was in office again, and when the subject of the Catholics of Ireland was brought forward by Mr. Fox, he well recollected (for he had heard the debate under the gallery), Mr. Pitt again repeated, that no pledge or engagement whatever had been given by him; and he then expressly used these words:—"I therefore approach the discussion of this question perfectly free and unfettered." If this, then, were the fact, it was impossible to argue that we were prevented, by a regard for justice and good faith, from treating this as a question of policy, but were concluded by a pledge given at the Union. The strongest evidence on the subject was certainly the declarations of the parties to that arrange-

ment, from whom the engagement must have proceeded, and in whose asseverations he did not hesitate to place unbounded confidence. Lord Castlereagh, in 1810, when challenged upon the subject in this House, had said, that Lord Cornwallis had never considered any pledge or assurance to have been given: he had the means of proving this beyond the possibility of doubt, from a communication received from that noble lord in 1801, in reply to enquiries made by himself, relative to two papers which were circulated in Ireland at that time, and which he had never seen till they appeared in print. The principle upon which Lord Cornwallis acted was, that the measure, to be either conciliatory or dignified, ought to be the spontaneous and gratuitous act of the legislature. Two papers had, in fact, been issued; but neither Lord Cornwallis nor Lord Castlereagh had been a party to those papers. Lord Castlereagh applied to Lord Cornwallis on the subject, and received a communication to this effect:—"When it was notified to the lord-lieutenant that Mr. Pitt, Lord Grenville, Lord Spencer, Lord Camden, Mr. Dundas, and Mr. Windham, had requested permission to retire from His Majesty's councils, upon their not being sanctioned in bringing forward such measures as they thought essential to secure to the empire the full benefit of the Union, the most important of which measures was a concession of further privileges to the Roman Catholics, his Excellency conceived that it was expedient that the Catholic body should have an authentic communication upon a subject so deeply affecting their interests, and so calculated to influence their future conduct." The House should listen to this communication from Lord Cornwallis to Lord Castlereagh:—"Lord Cornwallis had long held it as his private opinion, that the measure intended by those of His Majesty's ministers who were retiring from office, was necessary for securing the connexion of Ireland with Great Britain. He had, however, been cautious in his language on the subject, and had studiously avoided any declaration to the Catholics, on which they could raise an expectation that their wishes were to be conceded." Here was a positive denial from a gentleman, not only that no pledge was given, but that no expectation was held out, in consequence of their compliance with the views of government. Lord Cornwallis added—"Through the whole measure of the Union, which was in discussion for two years, and during which period every effort was made to procure a resistance to the measure on the part of the whole body of the Catholics, no favourable assurance or promise was made to them." Now, was it possible that Lord Cornwallis could have made that statement, if any expectation had been held out to the Catholics with a view of procuring their support to the Union? With regard to Lord Castlereagh, he would appeal to any one in that House, whether there could be a man who entertained a nicer sense of honour, and whether it could be believed that he was a party to holding out such false expectations. Would any man believe that Lord Castlereagh would have read this statement if he had been a party? In 1810 Lord Castlereagh said,—"So anxiously solicitous was the Irish government not to mislead the Catholics with false hopes, that they never gave them, during the two years the Union was in agitation, any reason to know what line Mr. Pitt was likely ultimately to take upon this measure." In consequence of this studious reserve on the part of the government, much of the influence of the Roman Catholic body was exerted against the Union; and so little did the Roman Catholics, who had been in communication with the Irish government, feel themselves entitled, from any previous explanations they had received, to expect Mr. Pitt to take the decisive line he did in favour of their claims, that he believed his doing so was a matter of considerable surprise to them. Now, he must really beg leave to place the testimony of Mr. Pitt, Lord Cornwallis, and Lord Castlereagh, with respect to the measures they brought forward, against any counter-declarations, or any inferences from conversations. He placed confidence in their statements, and he therefore did not think that there would be any violation of faith, if the House did not adopt the measure submitted by the hon. baronet.

As to the expressions in the king's speech to parliament, it should be recollected what was the state of Ireland in 1800, a country torn by discord, and in which martial law was at that very period in force. There was nothing more natural than for a king of England to express a strong hope that such country would, by the measure in question, "enjoy the blessings of the British constitution." But would it be contended, that this phrase signified, "I mean to remove all the disabilities under which its inhabitants labour?" He felt confident it could never be supposed that Mr. Pitt

would have suggested equivocal language on this occasion, or that His Majesty would have condescended to use it. He agreed that national faith overruled all questions of policy; and if he could admit that a contract was in existence at the period of the Union, he should be a willing party to the fulfilment of it.

With respect to the general question, he had on so many occasions stated his deliberate opinion upon it, that he felt it to be scarcely necessary to do more than refer to what he had repeatedly stated, and to declare his firm adherence thereto. He considered it an important question in point of policy (dismissing the questions of justice and good faith) as it affected the general constitution of the country, and with reference to its bearing on the prosperity of the empire. With respect to the first, he must say, that he thought the removal of all civil disabilities, and the laying down of this principle, that there should be no distinction in respect to religious opinions, and no barrier between a professor of the Roman Catholic faith and that of the Protestant Established Church, was a material change in the constitution of the country. There were limitations, it was true, in this as well as every other proposition, as to the degree of change. If the constitution were considered to be the king, lords, and commons, it would be subverting that constitution to admit Roman Catholics to the privileges they sought; it would be an important change in the state of the constitution as established at the Revolution. It was most undoubtedly intended, at that time, permanently to settle the constitution of this country, so far as to connect it inseparably with the Protestant Established Church, and to exclude the professors of the Roman Catholic religion from those offices which constituted the secular government of the country. With reference to the act which had received the royal assent that day, he meant the act for removing the Sacramental Test, he thought it rather unfair that the right hon. gentleman who spoke last, should call upon those who supported that measure to give their vote, on the ground of consistency to this. He distinctly recollected that when the noble lord submitted that proposition to the House, he expressly stated, that his object was to give relief to Protestant Dissenters, and that no member who supported that proposition was in the slightest degree concluded with respect to the Catholic question. He should take his part without reference to this point, but he thought it unfair of the right hon. gentleman to endeavour to take advantage of this concession. The Protestant Dissenters stood in a very different situation, with regard to our constitution, from the Catholics. In 1688, although the government had then the experience of recent events, and might well recollect what had happened under Charles I., yet King William and his ministers were anxious to give relief to the Protestant Dissenters. After the accession of the House of Hanover, it was several times proposed to parliament; and all the princes of that House, but particularly George II., took considerable pains to procure the abolition of the disabilities which applied to the Protestant Dissenters. He was also prepared to state, that they were bound with us, as dissenting from the Church of Rome, and though unfortunately they were not in communion with the Established Church, they, like us, protested against the corruptions of the Catholic faith. He was therefore prepared to contend, that the question was very different as to the Protestant Dissenters and as to the Roman Catholics. It appeared that we were to remove these disabilities, and then to open the constitution to the Catholics. He wished to argue this question with that forbearance and moderation which had been shown in introducing it, but he was, at the same time, bound to state his opinions conscientiously, firmly, and honestly. If we admitted Catholics into parliament, we should remove every link but one which now bound the Protestant faith with the constitution in Church and State; every link but one, that which required the person who wore the crown to be a member of the Established Church. There were, indeed, the bishops in the House of Lords; but besides that, the only link between the Protestant faith and the constitution of the country would be his Majesty being a Protestant. What, then, he asked, would there be to protect the Protestant Church? He made a clear distinction between the laws of mere exclusion and those penal statutes passed on subsequent occasions. The policy of excluding Catholics from being members of a Protestant legislature, was emphatically expressed in the words of the law to make the English Protestant Church a part of the State, and give the persons composing that church an overruling influence in the state. This was the object of those dis-

abilities, and our Protestant State would be changed in its most important character if those disabilities were repealed.

We were told, indeed, that the religion against which those laws were passed no longer existed, that the tenets formerly avowed were now disavowed, and that the Catholic Church was entirely changed, and its character altered. His hon. friend, who spoke last night with language more forcible than was generally used in that House, had described it as a tiger, which the rising sun of knowledge had not killed, indeed, but driven to his den. But how did he know that the knowledge which had driven this tiger to his den, had not been cherished by those disabilities, which we were now required to remove? How did he know that priestly ascendancy would not again take possession of the land, if we gave to the Catholics political power? How did he know that, if they removed the guards that had hitherto protected the civil and religious liberties of this country, they would not fall under the power of the Catholic Church? And what proof have they that the bitter and usurping spirit of that church had not been curbed and mitigated by the very laws we were now called on to remove? We were told, indeed, by the hon. member for Dublin, of the tendency of that religion to adapt itself to changes of circumstances; and how did he know, if he now removed the disabilities imposed on its professors, that he might not have to meet it under a new form? We were told also, that England was the only country which still retained these exclusive laws; that there was no country on the continent where they were not abolished; and we were called on to imitate those countries, and to remove all the disabilities which now prevented people of any religion from holding office. But were we prepared to imitate those countries in all things? Should we, or could we, follow the example of the other states of Europe? We were taunted, indeed, with our refusal; but if the example were good for any thing it must be good throughout. We ought to follow it without limit. But the hon. baronet who recommended this, had not told us of the difference between those countries and this, nor of the precautions and securities they had taken against the members of the Roman Catholic Church. Was he prepared to recommend similar precautions and similar securities? Was the country prepared to adopt them? Would he counsel us to impose them on the Catholics? He thought not; for he seemed to attach no importance to them, and spoke of them last night as things of less moment than the amulet which was sometimes hung around a child's neck, or even the horseshoe which was sometimes nailed up at a door. He could not agree with the hon. baronet in those opinions. He could not consent to open wide the door of political power to the Roman Catholics; he could not consent to give them civil rights and privileges equal to those possessed by their Protestant countrymen; because, after taking the most deliberate view he was able to take of the relation which the Roman Catholics bore to the rest of the community, he was persuaded that the removal of their disabilities would be attended by a danger to the Protestant religion, against which it would be impossible to find any security equal to that of our present Protestant constitution. This country would be exposed to greater dangers in that respect, than any other country in the world. Take the case of Prussia. In Prussia, where undoubtedly the civil disabilities of the Catholics were removed, the Catholic benefices were endowed by the State, the appointments to them were not under the control of the pope; the nominations were by the king. In Ireland, however, it was evident that the greatest discontent would follow any attempt on the part of the government to assume a similar power. Under those circumstances, it appeared to him, that in the relation which the Roman Catholics bore to the State, there would be a perpetual struggle for ascendancy between them and the Protestants; and that, even if the Protestants were to be successful in that struggle, the evils attendant on the contest would be manifold and serious. In the Netherlands again, although the positive nomination was not in the Crown, the Crown enjoyed a veto to a much greater extent than that which was proposed with reference to the Roman Catholics in this country, and declined. The king of the Netherlands had the power to reject any name in the list presented to him, provided he left enough for the constitution of a chapter. In Hanover, also, the same power existed on the part of the government. He said, therefore, that there was no country in which the Roman Catholics had been admitted to a participation of political

power with the Protestants, which was in the situation in which this country would be placed by the proposition which the hon. baronet wished the House to adopt.

It was true that we had now no Pretender to fear. It was true that the power of the pope was not so extensive as it was in former times. But were we entirely to forget the lessons of experience, and to leave out of our consideration the pernicious influence which the tenets of the Roman Catholic religion had been so repeatedly found to exercise on civil society? The alteration proposed by the hon. baronet would tend to the destruction of that which we had obtained by the Revolution, and which it was incumbent on us to preserve; namely, the Protestant character of the constitution of the state. Let the painful situation in which the Protestant monarch of this country would be placed, by the destruction of all the existing barriers between the Roman Catholics and unlimited political power, be for a moment considered. And here he begged to observe that the question had been argued by persons who differed in opinion from him, and those who thought with him on the subject, as if they were anxious to secure to themselves all the temporalities of religion. For them and for himself, he totally disclaimed any such low and vulgar objects. What they wanted was, to preserve inviolate the Protestant character of the constitution. Feeling that in the present relations of the Roman Catholic and the Protestant religion, the one or the other must have the ascendancy, they were desirous that that ascendancy—a qualified and moderate ascendancy—should belong to the Protestant Church. By the word “ascendancy,” he would not be understood to mean any thing obnoxious or invidious; but merely that the great offices of the state should be in the hands of Protestants; because that he considered necessary to prevent the struggles for political power which must otherwise ensue.

When he heard it said, that there was little difference between the tenets of the Roman Catholic faith and the pure religion which we professed, he confessed that he listened to the assertion with some surprise. He did not mean to say that, on the score of religious opinions alone, any man ought to be excluded from civil offices; but he felt alarm and distrust when he was told, “their religion is nearly as good as your own: their doctrine of absolution does not differ much from that in your Church: you have your creed of St. Athanasius, if they have their opinions on exclusive salvation; and therefore you ought to admit them.” All the apprehensions he had entertained were confirmed—all his fears increased—when he heard it asserted, that there was no tangible difference between that pure faith which he professed, and the Roman Catholic religion [Cries of “No, no”]. He had heard this argument used, and he would not be prevented from replying to it. He had heard the hon. baronet last night attempt to show, that there was no such difference between the two systems of religion as warranted the exclusion of the Catholics. He had said, that such difference as did exist was not sufficient to warrant any hesitation in granting the concession which they claimed. Now, he would say, that there was. The Protestants by their very name protested against the false doctrines of the Romish Church, and the distinction between them was open, palpable, and of great importance. So much for the general argument as it bore upon the constitution. As it bore upon Ireland, he confessed that it was a subject of the deepest interest, at the same time that it was one of the most painful nature. He wished he could see a prospect of tranquillizing Ireland, by the removal of the disabilities complained of. If he could, he was ready to repeat the expressions he had used on a former occasion, and which had been recently alluded to in the House. He would do all in his power, if he could once see that prospect, to effect the removal of those disabilities. But it was because he doubted,—because he in no degree believed that that measure would have the effect of restoring peace and harmony to Ireland, that he gave it his strenuous opposition. He had heard every gentleman who had spoken on this subject say he wished to maintain inviolate the Established Church and the Protestant constitution. Confiding in the sincerity of this profession, he said in reply, then it would not be safe to admit to equal eligibility for power that large majority of the population of Ireland who professed a faith and doctrines hostile to the Established Church and constitution. He did not deny that to reject the claims of those persons was an evil; but the alternative was as pregnant with still greater evil, that he could not accept it. It was said that the Catholic population of Ireland consisted of five or six millions, and that the Protes-

tants amounted to five or six hundred thousands. No doubt the numbers were greatly misstated; but it could not be questioned that the disproportion was immense. It was proposed, then, that the established religion, which was that of the minority, should be continued, but that the possession of power should be opened to all. It was impossible, when this proposition was made, for him not to ask himself, how the power which was possessed by this great majority was now exercised. What were the declarations, both of the laity and the priesthood? What, he asked, was to be hoped for from such declarations? Did they furnish any ground for believing, that if this question were carried there would be a permanent settlement of the cause of disquiet, and that the maintenance of that establishment, for the welfare of which every one professed himself to be anxious, would be effected? They had been told by the right hon. member for Kerry, that there was a combination of civil and spiritual influence; and what security was there that the same combination would not exist? They must give credit to the statement, for it came from unquestionable authority; they could not doubt the intentions of the Catholics; for never had fairer notice been given of those intentions. The House were told that they were the cause of this. But were they not justified in the caution they had persisted in using? Had they not cause for the apprehensions they entertained, when they saw the manner in which the Catholics used their present power? Let the House look at all the attempts which had of late been made to improve the condition of the people of Ireland, and the manner in which they had been received. The sub-letting act was one remarkable example. That measure had been devised upon a principle which was solely for their benefit; and yet the motives of the persons who had brought it forward had been grossly misrepresented. The law relating to vestries was another similar instance, and that for settling the disputes respecting burials, which was brought in by Lord Plunkett in the pure spirit of peace and conciliation, had been equally ungraciously received. When every one of those measures had been so treated, and when each of them had given occasion to an attempt to poison the public mind, he could not persuade himself that, if the result of this debate should be to carry the proposed measure, it would be more efficacious in restoring harmony and tranquillity than those which had gone before it. The removal of the disabilities which at present existed would, if it should be resolved upon, effect a most important change in the circumstances of Ireland. The power which the Roman Catholics of that country sought, was of two different descriptions. First, they required to be eligible for political offices; and that would of course leave it in the discretion of the Crown whether to appoint them to those offices or not. The Crown could not be required to confer them, but if it refused to do so, the exclusion would be felt to be, and in fact would be, much more galling and injurious than in its present shape. The other species of power, and over which the government could have no control, was that derived from the people themselves. Seats in parliament were of this description, and of these, whatever modification might be adopted, the great majority would always be Roman Catholics. At present they were represented by Protestant agents. He did not think that those agents were, as his hon. friend (Mr. Doherty) had characterised them, blind and unreasoning; but it was impossible to contend that the Catholics would be less earnestly represented by themselves than by their agents. Corporate offices were also of this latter description. There were one hundred and fifteen corporations in Ireland, and he had seen a calculation, by which it appeared that there were two thousand five hundred offices connected with them. These would all be open to Catholics. There could be no doubt that to obtain them would be an object of ambition to Catholics. Looking to their number, it was not more questionable, that they would be able to attain their object, and to get into their hands the greatest part of the corporations and corporate offices. The consequence must be, a transfer of the power from Protestants to Catholics, and it was in vain to deny that the effect must be mischievous to that establishment and constitution which it was the duty of every Protestant to preserve. If the result were to be harmony and peace, well and good, the argument would be conclusive; but if this were not to be the case—and he was not prepared to say that it would—there was enough in the circumstances of Ireland (without taking into the account any thing that related to the differences in religious opinions), to induce every man to fear, considering the quantity of power which would then be in the hands of the

Catholics, and the manner in which the power they now possessed was exercised, that such an increase of power would produce disastrous results. He did not believe that such a measure could conduce to the maintenance of the Protestant establishment in Ireland. Fresh causes of discontent would be daily arising. Look at the conduct of the Catholic clergy now that they did not possess power, and upon subjects which bore immediate reference to religion; for example, on education and marriage. The Roman Catholic bishops had declared, that they would do all in their power to discourage marriages between Catholics and Protestants—not because of any dislike to the Protestants for private and personal reasons, but because they insisted as a condition, that all the children of such marriages should be educated in the Catholic faith—a condition which altogether prevented that intermixture between the two classes, which was so well calculated to mitigate their animosities. It was in vain to say, looking at these circumstances—looking at the conduct of the Catholic priesthood, and at the demonstrations of physical strength which had lately been made—that there was no reason for distrust. What did the calling together the people of Ireland on one day mean? For what purpose was such a measure resorted to, if it were not for the purpose of intimidation? Astute lawyers might excuse such a practice under the strict letter of the statutes; but he was convinced that it formed an insuperable bar in the minds of Protestants to that conciliation which was attempted to be effected. It might be possible, he thought, to take an intermediate line between granting any further political privileges to the Catholics, and the re-enactment of those penal laws which they were told would be the only alternative, if entire emancipation should now be rejected. He saw no implied stigma in withholding from the Catholics that power which there was reason to fear would be injuriously exercised against the Protestant Establishment. He could discover in this nothing of unjust or stigmatizing persecution, although, if the balance of real persecution were to be struck, the Roman Catholics would not be the persons who would have to complain.

He had now gone through the various topics connected with this question, and had stated the grounds upon which he had acted, and upon which he avowed his intention of still acting. He had never resorted to any unfair opposition of the claims of the Catholics. The statement of his opinion he had reserved for this place; he had never attempted to rouse any religious feeling against them, because he thought it would have been wrong to do so, and because he thought the House was the only proper place in which this question could be decided on its true grounds. He had treated with constant respect the petitions which had been presented on the subject, and had brought them before the House whenever he had been requested to do so. He had always been the steady and consistent opponent of the measure, but not without deeply considering it. Retaining his opinions, he should sit down as he had begun, with stating, notwithstanding the high authorities which were cited in opposition to him, that, in the present balanced state of the government and of the parliament, it was not just nor expedient that the Roman Catholics and the Protestants of Ireland should stand, in respect of civil offices, on precisely the same footing.

After another long discussion, the debate was again adjourned till Monday, May 12. At length, the House divided: for the motion 272; against it 266; majority in favour of Sir Francis Burdett's motion, 6. The House then went into the Committee, Mr. Spring Rice in the Chair, in which it was agreed, upon the motion of Sir Francis Burdett, "That it is the opinion of this Committee, that it is expedient to consider the State of the Laws affecting his Majesty's Roman Catholic Subjects in Great Britain and Ireland, with a view to such a final and conciliatory adjustment as may be conducive to the peace and strength of the United Kingdom, to the stability of the Protestant Establishment, and to the general satisfaction and concord of all classes of his Majesty's Subjects." The House having resumed, the Resolution was reported.—Adjourned at half-past three o'clock on Tuesday morning.

MAY 13, 1828.

Sir Francis Burdett and Mr. Spring Rice brought up the Report of the Committee of the whole House upon the Roman Catholic Claims. Sir Francis

Burdett's resolution was then read a first time; and, on the motion for the second reading,—

MR. SECRETARY PEEL said, that the resolution was the same as had been passed on the preceding night, after three days' debate, and he did not mean to say that the subject had not been fully discussed. He rose merely for the purpose of tendering his formal dissent from the measure; and, with reference to the course to be pursued, he trusted the hon. baronet would, at least, give the House some time to consider this very important part of the question.

Sir F. Burdett said, he was not aware what time was wanted by the right hon. gentleman, and, but for his request of delay, he should have followed up the vote of last night by the resolution he held in his hand, which merely went to say, that the resolution of the preceding evening should be communicated to the House of Lords, and a conference requested; or some words to that effect. He had no objection, however, to postpone the proceedings, if the right hon. gentleman would name some specific time.

After a short conversation, Sir F. Burdett gave notice, that he would on Friday move, "That the Resolution agreed to by the House on the subject of the laws relating to Roman Catholics be communicated to the Lords at a Conference; and that their Lordships' concurrence be desired thereto."

## PROVISION FOR THE FAMILY OF MR. CANNING.

MAY 13, 1828.

The House having resolved itself into a Committee on the Offices Pensions Bill, the Chancellor of the Exchequer, after pronouncing a eulogium on the political character and services of Mr. Canning, moved, with the view of making a suitable provision for the family of that illustrious statesman in return, that the chairman be directed to move for leave to bring in a bill to enlarge and amend the 57th Geo. III., entitled, "An Act to enable his Majesty to reward Public Servants holding, or having held, high public offices."

In the debate which ensued,—

MR. SECRETARY PEEL said, he felt it his duty to offer a few observations to the House, in consequence of what had fallen from a noble lord (Althorp). The noble lord seemed to labour under the impression, that this vote had been proposed in consequence of some compromise between the members of the present administration. He could assure the noble lord that that impression was entirely erroneous. For himself he would say, that if he never had happened to have had any official connexion with the late Mr. Canning,—if he had been but a private member of that House,—he would have given his cordial vote for this proposition. The proposition appeared to him to be founded upon the broad grounds of its being perfectly consistent with policy, and reconcilable with the practice which had been adopted in reference to former ministers under similar circumstances. It was a proposition affording a reward for talent which had been devoted to the service of the country. He could not concur in the gloomy view which had been taken of the finances of the country. He did not believe that this country was so degraded as not to be able to fulfil the claims of justice, and to reward the services of its public men. His right hon. friend the Secretary for the Colonies had put the question upon its proper grounds. It was not a proposition to impose a burthen of £3,000 a year upon the country; it was a proposition in perfect accordance with the principle of that Act which had given to the Crown the power of granting pensions to persons who had filled certain offices. The preamble to that act recited, that the giving such a power to the Crown "was consistent with sound policy and proper economy." The real question, then, came to this—are there not circumstances in this case so special as to make it come within the spirit of the act? And the hon. member for Dorsetshire should have remembered, that they were not speaking of the regulations necessary to be made for clerks' salaries, but of the provision to be afforded by the country to the family of a deceased prime minister—that they were speaking of one to whom, under that very act, there might have been allowed a pension, had not Mr.



Canning been prevented by circumstances from enjoying it; and now all that was proposed to be done was, to transfer the income to which Mr. Canning would have been entitled had he lived, to his family now that he was dead. That act empowered the king to grant pensions to any person who had filled certain offices for a space of time not less than two years. Mr. Canning had been a servant of the country for upwards of twenty years, and had held the office of Secretary for Foreign Affairs, which was one of the offices within the act, for at least eight or nine years. Were there, then, any fair or just grounds for resisting the proposition before the House? The whole proposition depended on the peculiar circumstances of the case, and on the possibility of the embarrassing nature of the precedent to which it might lead. But in the case of Mr. Perceval,—a case, the circumstances of which were very peculiar,—could he forget that provision was made for the family of that individual? Could he forget, in considering this question, that provision had been made in the case of Mr. Pitt, as well as in the case of other eminent men who had been in the public service? In the case of Lord Grenville, though no provision was made by parliament, yet it was derived from another source, because means applicable to the purpose then existed which this act put an end to. Other means might, at that time, be employed for the reward of meritorious services which were no longer in being. Mr. Burke, a man of great genius and talents, was rewarded. Mr. Burke did not hold official station; but still a provision had been made for that eminent man. Such a provision could not now be made; the pension system which then prevailed having been discontinued. But, if no direct mode of granting reward existed, still this country, when appealed to, would never refuse a just and honourable remuneration for great public services. It appeared to him that every gentleman might consent to this motion without in the slightest degree compromising his political opinions. In the case of Mr. Pitt, all party differences were merged in a determination to pay a tribute to his memory for great talents long employed in the service of his country. At that time a distinct difference was drawn between the erection of a monument to the memory of Mr. Pitt, and the grant of a sum of money for the payment of his debts. Mr. Windham and Mr. Fox said, "We cannot vote for a public monument without recognising public services; but we will vote, with alacrity, for the grant of a sum of money, to enable the family of a distinguished man to pay those debts which were incurred in the service of his country." That distinction he considered to be a plain and valid one; and if the case of a statesman were laid before them, who for twenty years had devoted great talents to the service of his country, he conceived that every member would be justified in voting a sum of money for the benefit of his family commensurate with the services which had been performed. The hon. member for Montrose had said, that the gratification of ambition in holding high situations in the state, formed of itself a sufficient reward. But why should it be so considered? When they saw individuals acquiring high honours and great emoluments at the bar and in other professions, why should they turn round to the family of a deceased minister and say to them, "The gratification of ambition was his reward? It is true he gave his services to the state, but we will not listen to your claims for reward from his country, because your parent was satisfied with the gratification of his ambition." This would be a low and niggardly way of dealing with public men. In the case of Mr. Canning he found combined all the circumstances necessary to support his claim. Mr. Canning had for twenty years held high stations in the government,—he had brought to the service of the state most splendid talents,—and he had discarded, during his whole career, all feelings of private and personal interest. There was here arrayed, therefore, that combination of circumstances which would prevent the present from being drawn into any inconvenient precedent hereafter. Under these circumstances he would say, as he had said before, that if he had not been connected with Mr. Canning in the public service, as he had been for a number of years—if he had been a private member of parliament, and not a member of the government—he should have felt himself perfectly justified, without the compromise of any public principle, in heartily assenting, as he did assent, to this proposition.

On a division, the motion was carried by 161 against 54; majority, 107.

## SUPPLY OF WATER TO THE METROPOLIS.

MAY 19, 1828.

Sir Francis Burdett, having called the attention of the Secretary of State for the Home Department to the state of the supply of Water to the metropolis,—

MR. SECRETARY PEEL said, he had read the minutes of the report alluded to with considerable interest. It was natural enough that companies formed in order to supply the metropolis with that essential of comfort, and indeed of life, should form these associations with a view to the private profit and emolument likely to arise out of the speculation. The next thing probably considered was the obtaining the supply required, and the last the quality of the water itself. Of these companies there were five principal ones. The New River, the East London, West Middlesex, Chelsea, and Grand Junction Companies, supplying the northern parts of London and the city of Westminster. With reference to the evidence as respected the Grand Junction Water Company, against the quality of whose water several insinuations had been thrown out during the examination, he did not think the water could be characterised as bad. It appeared from the statements in evidence—"That the portion of the town upon the north side of the river Thames, including the cities of London and Westminster, is supplied daily with a quantity of water amounting to nearly twenty-six millions of gallons, and that the total number of houses and buildings receiving this supply amounts to about one hundred and forty-four thousand. The water is of course very unequally distributed, the average consumption in each house being apparently greatest in the district supplied by the Grand Junction Company, where it amounts to about three hundred and sixty-three gallons daily per house. Taking the average of the whole supply, the daily consumption of each house is about one hundred and eighty gallons. Of this water, more than one half of which is derived from the Thames, a large portion is delivered at very considerable elevations above the level of the river, constituting what is called high service; for which purpose fifteen steam-engines are employed, exerting a power of about one thousand one hundred and five horses." There was no doubt, therefore, that the supply was great and abundant. Then as to its alleged insalubrity, the evidence was rather against that presumption. Though it was asserted, that the supply of water was not free from the suspicion of insalubrity, there was no proof of indisposition having been occasioned by its use. At the same time it was impossible not to be convinced of the great impurity of the Thames water, and that, if it could be had, it would be highly desirable to obtain a supply from a purer source. For these ten years past the water had been deteriorating in quality; as was proved by various fishermen, who had found it necessary to abandon that mode of obtaining a livelihood, in consequence of the insalubrity of the water driving away the fish. In truth, the fisherman's trade was destroyed, and, strange to tell, eels from Holland imported here, would not live in Thames water. The great remedy proposed by the committee was filtration; and, perhaps, by filtering it the water might be cleansed of all insects or other matter suspended in it. Indeed, looking at the report itself, the objection against Thames water was one rather of feeling than of just or serious alarm. The next question of importance was, from what source the improved supply was to be obtained, and at whose expense? Certainly it ought not to be provided by government, nor the expense defrayed by the public. If so, the supply would certainly never be procured at so cheap a rate as it had hitherto been, at the charge of individual projectors. The present immense supply of water was the fruit of private speculations. That splendid establishment at Edinburgh was a similar speculation. Why, then, was it to be supposed, if the public were dissatisfied with its supply, that another company would not arise making a purer supply the basis of its prospectus? He did not mean to hold out any encouragement to such a speculation, much less offer any inducement to it. If, then, the enterprise were not one in which government could with consistency interfere, certainly it ought not to interfere with the preliminary appointment of engineers, the choice of whom ought to rest with the companies who were to trust them with the administration and employment of their capital. The project of the building of Waterloo-bridge and the Thames Tunnel, great as they were in the outlay, originated and were carried on by private

speculators. Another important consideration was, that the interference of government would be likely to be very unpopular, as an interference with private property. If the public health required a very pure water, it appeared that such could not be procured from any part of the Thames on this side of Teddington. To the river Colne there were many objections. If in filtration no adequate remedy were to be found, possibly it would be attempted to be remedied by the formation of another company, which most probably would start upon that principle. As to the success of it, the parties interested in such a speculation must determine for themselves; but it would, for the reasons enumerated, be very improper and unwise that government should involve itself in the responsibility of such an enterprise. He did not think that it would be prudent for government to interfere in the appointment of those engineers who were to point out the manner in which individuals were to invest their property. The best way certainly would be, to let the persons undertaking the scheme employ those engineers whom they preferred, to take levels, and suggest plans for accomplishing the speculation.

Here the conversation dropped.

## TURKEY AND GREECE.

MAY 19, 1828.

Sir Robert Wilson having put certain questions respecting the State of Relations with Foreign Powers, especially with reference to Turkey and Greece,—

MR. SECRETARY PEEL said, if he abstained from any comments on the variety of observations with which the hon. gentleman had prefaced his particular questions, he trusted that no inference of any kind would be drawn from his silence. He trusted it would be sufficient for him to allude to the inconvenience which must arise from the partial discussion of such important matters, in the absence of that full information which alone could enable the House to decide upon the conduct of the government. If he did not enter into any detailed answer to the different questions, he trusted they would not interpret his conduct into any unwillingness on his part to defend every step which had been taken by his majesty's government in those transactions, but that they would consider prudence alone as the motive which dictated caution upon all the topics, and absolute silence upon some of them.—With respect to the particular questions now put, all the answer he could give, consistently with his duty, was this,—that from the moment the treaty of the 6th of July was signed, there had been on the part of the advisers of the Crown a sincere desire scrupulously to fulfil its engagements. He thought he might also say, that it was the opinion of the government, considering the length of the struggle between Greece and Turkey, that the interests of humanity, as well as of England and Europe, required that an end should be put to the contest as soon as possible, and a permanent arrangement effected, as to the relations in which Turkey and Greece should hereafter stand towards each other. England was prepared to fulfil all her engagements, and in common with her allies to concert the means of carrying the treaty into execution. It was now notorious to the world, that events had materially changed the relations in which one of the parties stood towards Turkey. It was notorious that war had been declared by Russia, upon grounds appertaining to her own condition. That declaration had not changed the disposition of the three parties respectively towards Greece; it had not released the parties from their engagements; but, by altering the character of one of the powers into that of a belligerent towards Turkey, it involved important considerations as to the means by which the treaty was to be carried into effect. Into those considerations he, for the present, should not enter. When the period arrived, he should be prepared to show that the conduct pursued by his majesty's ministers was, in all respects, reconcilable with the maintenance of good faith, and the fulfilment of our engagement with respect to Turkey and Greece. As to the second question, it was their wish to avoid, as far as possible, the principle of interfering with the internal concerns of other countries, and to limit their operations to the precise objects of the treaty. With respect to the question about blockading the ports of the Morea, he should only say, that instructions had

been immediately issued by the government, directing that arrangements should be made for carrying the blockade into effect, and that explanations were required, and information had been received upon that subject, the result of which he must be excused from entering into at present. He hoped that, if he had not given a full answer to all the questions, the House would attribute his silence to a sense of public duty, and not to any wish to avoid explanation when the proper time for making it should arrive.

## EAST RETFORD DISFRANCHISEMENT BILL.

MAY 19. 1828.

In a Committee of the whole House on this Bill, Mr. N. Calvert moved, as an amendment, That, instead of the right of voting being taken away from the borough, it should be put into the hands of such persons in the borough and the adjoining hundred as were independent in their circumstances, and therefore less likely to be biassed in the giving of their vote. The substance of his amendment was, that the right of voting should remain with those only who were rated in their poor-rates at £20 a-year, and that the returning officer should be rated at £40 a-year.

In the debate which followed,—

MR. SECRETARY PEEL said, he had already stated his view of the course fit to be pursued on the present question, and hardly felt that he should be justified in detaining the House by repeating it. He had proved by his vote in the case of Penryn, that he had no aversion, under some circumstances, to the transfer of a borough franchise to a town of great manufacturing interest. But he confessed that, in doing this, he meant to recognise no general principle, and was a good deal governed by the circumstances of the case. He thought there was a difference between the position of Penryn, which had twice been warned by bills in that House, of the effect of the course which it was pursuing, and the case of East Retford, the disposal of which was now the question before the House. He had been induced to look a little, too, to the comparative condition of the two counties in which the delinquency had taken place; the first, Cornwall, sending forty-four members to parliament, and the last, Nottingham, only eight. The hon. member (Mr. Tennyson) had spoken of an insinuation thrown out on a former evening by him, that in case the town of Birmingham succeeded in gaining the elective franchise, the hon. member was to represent it. Now, the hon. gentleman would not fail to recollect, that that insinuation had been made in answer to something like a charge, from the side of the House on which the hon. member sat, that ministers desired to throw the right of voting into the hundred, in order to place it at the disposal of a certain noble duke. But the fact was, he considered the question of persons one of no consequence. If he were at all influenced by personal considerations, his vote would go with that of the hon. member; for he had a deep interest in the welfare of the town of Birmingham, while of the hundred of Bassettlaw he knew nothing whatever. The hon. member, too, who looked on every side for an interest, supposed that ministers were disposed to favour the hundred of Bassettlaw because the brother of the present Chancellor of the Exchequer was a candidate for there presentation. If such were the fact, this was the first occasion on which he had heard it; but he rather believed that there was some mistake. The right hon gentleman, in conclusion, said that his opinion on this question was not in any degree altered: he would therefore give his vote for the transfer of the franchise to Bassettlaw in preference either to Manchester or Birmingham. He did not know what had been done in the House of Lords with reference to the Penryn bill; but he thought that the House ought to determine on what they thought proper, without reference to what might be done in the House of Lords.

Later in the evening, Mr. Peel said, he desired to make a few observations in reply to the remarks of an hon. member opposite, in reference to what had fallen from him (Mr. Peel) as to a compromise, and affecting his own personal character, which he felt more deeply concerned for than for any constitutional question. He denied that he held out any particular compromise. It might be true, that he had said he would give no opinion as to Penryn, until he knew what was done with East Retford,

because he knew that the policy of the whole measure depended on whether there were one or two places to deal with. He denied, however, that he had entered into any compromise, which bound him to a particular case. If there were one borough only, he claimed a right to say whether he would dispose of it to the hundred, or to a great town. He left to the hon. gentleman the care and conduct of his own bill; and he had, in an early part of the evening, objected to the words of the preamble, that it was not carrying into execution the resolution of the House. He had told the hon. gentleman, that he objected to his proposition of giving the right of voting in East Retford to the freeholders paying £20 to the poor rates. The hon. gentleman had brought forward his proposition, and, because there was a rumour of a certain peer abandoning his bill, he (Mr. Peel), forsooth, was to alter his course as to the bill before the committee. He denied that a mere rumour of this kind furnished grounds which ought to govern that House. He denied that he was under any obligation to pursue a particular course as to the appropriation of a particular franchise; though he voted for the transfer of the elective franchise from Penryn to Manchester, he was not thereby bound to vote, on all future occasions, on a similar principle. Whatever other branches of the legislature might decide, this House was free. He was now told, that East Retford was to be given to a town, and Penryn to the hundred; yet how did he find this question discussed last session? When it was proposed to throw open Penryn to the hundred, it was negatived by a majority of two to one. On the third reading of the bill, the House decided by a majority of four to one, that the hundred had no claim to the privilege. With respect to the expression used by the hon. member for Preston, of "miserable compromise," that hon. member might employ what epithet he pleased, but he should take care that it did not attach to those whom he might feel disposed to honour. In the Grampound case, which was one of notorious corruption, Mr. Canning voted for transferring the elective franchise to the hundred. In the case of Penryn, Mr. Canning voted for transferring the elective franchise to the hundred. On what ground, then, could the hon. gentleman charge him (Mr. Peel) with monstrous and unconstitutional doctrine, when on one occasion he supported the transfer of the elective franchise to a great manufacturing town, and on another, the transfer of it to the hundred? Many specious arguments had been resorted to, to recommend the invariable transfer of the elective franchise in such cases as the present to great towns; but if those arguments were pushed to the extent of which they were susceptible, the conclusion would be, that parliament ought not to wait for the opportunity which the discovery of corruption in a borough afforded; but ought to admit great towns immediately to a participation in the elective franchise. For his own part, he was by no means prepared to admit, that in all future cases of corruption the transfer should be to great towns. A perseverance in such a principle would diminish the just weight and influence which the landed interest ought to possess. He thought he should best discharge his duty by holding the balance as steadily as he was able between the two interests. If that were a miserable compromise, he should not be ashamed of having the term applied to his conduct.

In reply to Mr. Stanley, Mr. Peel said, he must again positively deny, that he made use of any words which pledged him as to the course he should pursue, if the two places were to be disposed of. He might have contended that one ought to go to the hundred, and another to a great town; but he denied that there was any compromise upon the subject.

The House divided; for the amendment 146; against it 128;—majority for the amendment 18.

## THE CURRENCY—SMALL NOTES—LEAD ORE.

MAY 22, 1828.

Mr. Attwood presented a petition from the miners of certain districts in Flintshire, complaining of the reduction in the duty on foreign Lead Ore, and of the abolition of One Pound Notes.

MR. SECRETARY PEEL protested against the proceeding adopted by the hon.

member. He must say, that on a petition, the principal prayer of which was, that the House would take into consideration the state of the trade in Lead Ore, the introduction of the topics on which the hon. gentleman had addressed the House was a little out of order. He knew that the state of the currency, the increase of crime, and other important topics, might be incidentally introduced into such a discussion; but when he had received no notice of the discussion, and when others who might wish to take part in it were absent, he put it to the candour of the hon. member, whether it ought not to be discontinued. To show the unfairness of the views taken by the hon. member, he would just refer to one statement, in which he had asserted that England and Scotland were in precisely the same situation with respect to the circulation of small notes. In making that statement, did the hon. member think it fair to hide from the House the important fact, that for the last century Scotland had possessed a circulation of notes under £5, and that it was not until the Bank Restriction Act that £1 notes had been permitted in England? Until then the circulation of Scotland had been for a century a paper circulation, while that of England was exclusively gold. The hon. member might say that, in his opinion, there were reasons for making the circulation of the two countries the same, but it was impossible to contend that their circumstances were exactly similar. He should make no further observations at that moment, as his right hon. friend, the Chancellor of the Exchequer, had postponed his motion on this subject, at the desire of many members who were interested in its discussion, and who could not be present that night; and he trusted, for that reason, the House would suspend their opinion until the subject came properly before them.

The petition was received, and ordered to be printed.

## CHURCH BRIEFS.

MAY 22, 1828.

MR. SECRETARY PERL said, he had given notice of his intention to introduce two bills, bearing upon the practical domestic economy of the country. The first measure went to abolish what were called Church Briefs, for raising money in cases of calamities by fire, and for the raising of money for the building or repairing of churches or chapels. In the first place, he conceived that the existence of insurance offices dispensed with the necessity of making collections in this way, in cases of loss by fire; and, besides, to any one who attended the celebration of divine service, it must appear, to say the least of it, very indecorous to introduce into the middle of it a subject so totally unconnected with it. A return had been called for last session, to show the enormous expense attendant upon this mode of collection, and the disproportion between the loss sustained, and the amount of money collected. All that appeared on those returns combined to show the policy of abolishing this system. He would therefore propose the total abolition of the system of raising money in cases of loss by fire by means of church briefs. He held in his hand an account of all the church briefs which had been issued since the 15th of May, 1819. He would select one or two instances to show the smallness of the sum paid to the party by whom the loss had been sustained, in consequence of the immense expense incurred for the patent, for printing notices, and for the salaries paid to officers for distributing them, and collecting the subscriptions. Under the first brief which he should select, the loss sustained by the party amounted to £362, and the amount of the sum raised was £549. But the fact was, that a greater portion of that sum was expended in collecting the contributions of the charitable, than was paid over to the individuals who had suffered the loss by fire: £97 was the expense incurred for the patent, and the collection of the subscriptions cost £362. So that the nett sum paid over to the party on whose account the subscription had been raised, amounted to £124 out of £549. There was no blame to be attached to the officer charged with the collection: he had to pay for the patent, for the printing of the papers, and for distributing them all over the country. It was plain that if the contributors imagined that the party for whose relief they gave their money would only receive £124 out of £549, they would not have given a shilling to the fund. In another

instance in which the loss by fire amounted to £3,682, in the raising of the contribution, no reference whatever was had to the amount of loss incurred. The contributors who had given a shilling in former instances, contributed the same sum on that occasion. In truth, the whole was a lottery, in which the sum raised was usually alike, and had no reference to the amount of individual loss which had been sustained, and for the relief of which it was intended. With regard to the system of collecting money by briefs for the repairing or building of churches or chapels, the same objections did not equally apply to it, but the returns would show that the sum raised had no reference to the circumstances of the parish, or to the extent of the repairs required. It would appear from the returns, that the sum raised in all instances was between £340 and £440. He proposed to repeal the Act of Anne, which authorized the collection of money in this way by church briefs, with a view to put down the system altogether. The contribution of money for the building of churches and chapels was founded upon an excellent principle; and he would propose to substitute another system, to compensate the church for the loss which it might sustain by the abolition of this mode of collection. If his majesty should be pleased to issue letters patent, authorizing the collection of voluntary contributions for the building of churches and chapels, he proposed to incorporate a society to receive the subscriptions thus collected, and the society he would incorporate for that purpose was one already in existence. He alluded to the society for the rebuilding and repairing of churches and chapels. He was happy at being afforded this opportunity of bearing his testimony to the merits of that excellent society. The whole amount of its funds consisted of the general contributions of individuals who were anxious for the maintenance of the pure doctrines of the Church of England, and it had distributed £110,000 for the purposes for which it had been founded. By means of the distribution of that sum in particular districts, it had excited the zeal and emulation of those who wished to support the church, and had induced the raising of local subscriptions for the maintenance of religion to the amount of £400,000. The total sum, then, of voluntary subscriptions distributed by this society, amounted to £500,000. By the application of £110,000, free sittings had been provided for a hundred and fifty-four thousand persons. Without devolving upon this society the power of imposing church rates upon any parish, he proposed to incorporate them, to enable them to receive voluntary contributions for the rebuilding and repairing of churches and chapels, to receive the sums left by bequests for that purpose, and the sums raised under the letters patent, authorizing voluntary contributions for such objects. He would propose that the bishops of the several dioceses should be vice-presidents of this society, and he would also propose that not less than twenty-five laymen should be appointed amongst its vice-presidents. To exemplify the admirable system of economy with which this excellent society had been conducted, he would mention that the sum of £500,000 which had been in their hands, had been appropriated, including all the expenses of rent, officers, collectors, &c., for a sum not exceeding £840 per annum. The right hon. gentleman concluded by moving for leave to bring in a bill to abolish church briefs, and to provide for the better collection and application of voluntary contributions, for the purpose of repairing and rebuilding churches and chapels.

Mr. Peel, in reply, said, that it was his intention to repeal the Act of Anne altogether. He thought the worthy alderman (Wood) must be misinformed as to the farming of the briefs; for any one guilty of that offence was liable to a penalty of £500. The contribution to the society he proposed, was wholly voluntary, and as the donation of twenty guineas made a member for life, he hoped the hon. alderman would become one, as his services would be found very useful on the committee. With respect to the observations of the right hon. baronet (Sir J. Newport) he could only say, that he had so many measures to propose, connected with this country, that he really had not time to attend to Ireland. He, however, had not the least objection to a similar bill being brought in for Ireland.

Leave was given to bring in the bill.

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## RECOVERY OF SMALL DEBTS.

MAY 22, 1828.

MR. SECRETARY PEEL said, he rose, pursuant to notice, to move for leave to bring in a bill, the object of which was the more speedy Recovery of Small Debts. Speaking of the system which prevailed in the country generally, he believed it would be found better, in most instances, to abandon any claim which an individual might have for a certain sum, than to attempt to recover it, as the law now stood. The expense of proceeding in the county courts was so enormous, and their jurisdiction so confined, that in many cases the party seeking redress there was actuated by feelings of pique and resentment, rather than by any hope of recovering his debt. The attention of the House had been repeatedly called to this subject, and great difficulty had been experienced in attempting to devise a remedy for the present defective state of the law. A noble lord (Althorp) had given much consideration to the subject, and several bills had been introduced by him. Those measures had not met with the approbation of the House, and it was at the desire of that noble lord, in the course of last session, that he (Mr. Peel) had undertaken to introduce a bill. The first bill brought in, proposed to enable the Lords-lieutenant of counties to appoint assessors, who were to receive considerable salaries, and a separate court was to be established in those towns where the ordinary courts were on a small scale. Several objections were urged against this plan, and the impropriety of placing the appointment of assessor in the hands of the Lord-lieutenant was very justly pointed out. By the subsequent bill, the appointment was left with the Crown. It was there provided, that assessors should preside in the county courts, and they were to look to the Crown for their salary. Again, it was proposed, that the commissioners appointed to discharge the duties connected with the Insolvent Debtors' Court should adjudicate in cases of small debts, and should, for that purpose, make circuits through the country. To these measures objections were also taken, and they were abandoned. He should propose to adopt in each county the ancient institution of the county court, and to extend its jurisdiction from debts of 40s., which was the present limit, to debts of £10. A gentleman very eminent in the legal profession had drawn up this bill, and he believed that, on examination, its enactments would be found admirably adapted to effect the intended object. The bill made no alteration in the original constitution of the county court. It rendered the whole proceeding most plain and simple: the form of the plaint was set forth, and it specified the fees that were to be paid. As different counties varied in extent, it provided for the division of the large counties into districts; and it further provided, that the sub-sheriff should give notice of the time and place where the court was to be held. The proceeding would be conducted on the principle of trial by jury in a certain way; the qualification of jurors to be the same as that now required in cases of trials at Nisi Prius in Westminster-hall. A power was given to the judge before whom a case was tried to grant a new trial, on proper grounds being advanced for that proceeding. It was proposed that the remedy should not be against the person of the debtor, but against his goods. He conceived that the provisions of the bill were calculated to promote the object in view. The only part of it which seemed at all likely to excite opposition, was that which was connected with the compensation of persons who were interested in the continuance of the existing system. There were, as the House knew, individuals in the higher courts, whose interests were materially concerned; and he could not introduce a measure of this nature, without providing a suitable compensation for those whose interests were at stake. He was very sorry that offices of the nature of those to which he alluded were in existence; but when measures were adopted for effecting a reform in the administration of the law, provision ought to be made for those whose offices would, in consequence of that reform, be done away with. He, therefore, proposed to award compensation for the loss of offices that were conferred for the term of life. As to compensation, having reference to the quantity of practice now enjoyed by individuals under the present system, and which might be lessened by the intended alteration, he did not mean to propose any. In the different bills introduced for the abolition of writs of error and other technical forms, the same practice had been followed. He moved for leave to bring in a bill



"for the more easy Recovery of Small Debts in the county courts of England and Wales, and for extending the jurisdiction thereof."

In the course of the conversation which followed,—

Mr. Peel said, that his object was, to enable the creditor to allege his debt by the simplest and most unexpensive process. For instance, instead of a cumbersome declaration, the form proposed in the bill was—"A B complains of C D, that he owes him £10 for goods delivered on the 1st day of March, 1827." Before the bill was extended to debts of a larger amount, it would be wise to watch the progress of the bill as it now stood, and ascertain how it worked. At present he proposed, in the case of a debt of £15, to allow the creditor to take advantage of the provisions of the bill. But £10 was a very considerable sum to the lower classes, and he thought it better not to begin with a larger. If the bill answered, it might be extended to £20. He wished to reserve to the court the power of allowing the debtor to discharge his incumbrances by instalments; which would prevent an unfortunate man having his goods taken away from him, while, at the same time, it would be security to the creditor for the payment of his debt. He would limit these instalments to the space of four months, and the ulterior process of seizing the debtor's goods might be resorted to by the creditor in default of payment at the end of that period. The fees of the bailiff he had left the magistrates of the county to settle; but for the sheriff's fees, he had settled that they should in no case exceed one shilling.

Leave was given to bring in the bill.

## THE PUNISHMENT OF TRANSPORTATION.

MAY 30, 1828.

In a Committee of Supply on the Miscellaneous Estimates,—

MR. SECRETARY PEEL said, that the hon. gentleman (Mr. Hume) was probably not aware of the fact, that there was a limit to the number of convicts who could be received in the colony of New South Wales; and it was besides very doubtful, whether those who were sent to that colony proved such good members of society as those who were forced to labour on board the hulks. It was a matter worthy of attention, that transportation had not been introduced, as a punishment, into any other country of Europe. In almost all other countries, convicts were subjected to hard labour on public works. That the result of the employment of a certain portion of the convicts in labour on board the hulks was not expensive, a slight examination of the accounts would prove. By the return in his hand, it appeared that there were last year on board the hulks four thousand and thirty healthy convicts, and two hundred and thirty-three sick, making in all four thousand two hundred and sixty-three. The deaths in the year amounted to one hundred and sixty-six, and the total expense of their support was estimated at £75,810. The value of their labour during the year was estimated at £73,000. So that if there had been no convicts to do the work, the government must have paid that sum for labour done on public works, and the total expense incurred by keeping the convicts in this country was, therefore, something under £3,000. The calculation as to the value of their labour might be a high one; but still the value of it was known to be great. The giving of three-halfpence a day to every convict, proved a great inducement to labour, and generated habits of industry and care, which were much more likely to render them useful members of society, than any residence in New South Wales. The expense of supporting each convict was about £17, 15s.; but the actual loss in not sending them out of the country was not more than 12s. for each convict throughout the year. If means could be found at all in the colonies of employing convicts in public works, in the same manner as in Bermuda, the arrangements might be different; but at the present moment no better means could be devised than employment on board the hulks at home.

In reply to an observation by Mr. Benett,—

Mr. Peel said, that the hon. member was mistaken as to the remission of punishment at the end of two years. The rule was, that the superintendent, at the end of

three years and a half, had the privilege of recommending eight out of every hundred convicts to the Secretary of State, for a remission of the remainder of their punishment. This was an inducement held out to the convicts for good behaviour; and he did not think it an unreasonable indulgence to those who had distinguished themselves by habits of industry and attention. With reference to the hon. gentleman's proposal, to transport the convicts to different colonies, surely he did not consider the enormous expense of such a system. In every colony to which convicts were sent, it would be necessary to have an establishment to receive them, with officers to superintend. It might be a question how far it would be advisable to have another penal colony; but, with regard to New South Wales, it should be remembered, that before the convicts were sent out there in sufficient number for the purposes of the colony, the expense attendant on sending provisions, &c., was enormous.

### EAST RETFORD DISFRANCHISEMENT BILL—MR. HUSKISSON'S STATEMENT—MINISTERIAL EXPLANATIONS.

JUNE 2, 1828.

Mr. Tennyson moved the order of the day for the committee on the East Retford Disfranchisement Bill, and spoke in reference to certain ministerial changes which had taken place; after which Mr. Huskisson rose, and spoke at great length in explanation of the latter subject.

MR. SECRETARY PEEL then said,—There is nothing, Sir, that has fallen from my right hon. friend that shall prevent me from prefacing the observations which I have to offer to the House with the expression of my deep and sincere regret at the circumstances which have rendered these explanations necessary. When, in the early part of this year, Sir, I was recalled, without any act or suggestion of my own, into the public service, I own I did all that I could to promote the union of those who had co-operated in the administration at a former period; and my right hon. friend himself can best judge whether, during the period which has elapsed since that reunion was effected, to the very day that his separation from the government took place, I have not acted with a desire to strengthen and confirm that union. I had heartily hoped that the time had at length come, when, being again joined together in the public service, the recollection of the differences of last year might be obliterated among us—I had hoped, that the time had come when public men would not be called on for personal explanations of their conduct, but when we might be cordially acting together in the public service, and devoting our best energies as ministers to advance the welfare of the state. Sir, I regret that the event has not been such. I deeply regret the necessity of entering into this explanation, and I make the same appeal to the House for indulgence which my right hon. friend made, whilst I follow his example in explaining fully the circumstances into which he has entered.

Sir, the speech of my right hon. friend referred to two periods of time, and two descriptions of circumstances, quite distinct in themselves. The first period is, that which elapsed previously to the night upon which he gave his vote upon the East Retford question; and the second is, the period subsequently to that vote, in which the correspondence between him and the Duke of Wellington took place. In what my right hon. friend stated with reference to the first period of this transaction, allusion was made personally to me, and the part I had taken; and to that part of the question I will first address myself. My right hon. friend is aware that—restricted, perhaps, by motives of delicacy towards his late friends—he has not narrated the whole of the circumstances connected with the East Retford question; and I hold it to be impossible to come to a fair judgment upon a subject of this description, unless upon a full knowledge of all the particulars. I, Sir, should not have thought it necessary to enter upon the statement of these circumstances, but, as some portion of the statement has been made, I have no alternative but to disregard those restrictions which delicacy may have imposed upon my right hon. friend, and state all that I know respecting the two cases of Penryn and East Retford. Absolving my right hon. friend, therefore, from all secrecy or reserve upon the occasion, and

in the full hope and persuasion that he will correct any errors into which I may inadvertently fall, I will in the first place call the attention of the House to the situation in which a minister of the Crown stands with respect to this House in the delivery of his sentiments. Not only is he supposed to speak his own sentiments, but, by the usage of the House, he is viewed as the organ of government, and supposed to speak the sentiments of the government. In this respect, nothing can be more painful than my situation. Almost every night questions are discussed in this House—sometimes twenty or thirty in one night—of the utmost importance, and upon which, if there were time, his majesty's government would feel it their duty to meet and deliberate. But, Sir, during the session of parliament it is impossible to give each subject separately, all that deliberate attention which its importance may in fact require. The House is very well aware that the details of many of the measures introduced and discussed here, involve principles to which it must be most desirable that his majesty's government should give the utmost attention, before they pronounce a decision. Such, amongst others, were the measures respecting the two boroughs of Penryn and East Retford. And, with regard to these, it was my most anxious wish that no step should be taken by any member of the Administration, which, being the act of an individual, should be misconceived to be the act of the government. I, therefore, Sir, took an early opportunity to submit to his majesty's government that it was fitting, considering the importance of the subject, that we should consider of the course we should take, and that I should be authorized to declare, in this House, the sentiments of government. Connected as those questions necessarily were with some proceedings of a judicial character—I allude to the taking of evidence at the bar—it would, of course, be impossible for the cabinet to pronounce a decided opinion beforehand; but, assuming that there were grounds upon which to act, and that we should be called upon to deal with those boroughs, I was anxious to be prepared, and to assimilate my conduct with the predominant feeling of the government. I therefore did, when both franchises were open to be dealt with, present the question as a double question to the consideration of my colleagues. It appeared to me, that, with respect to Penryn, considering the opinion expressed as to that borough by the House of Commons, when the subject was last before it, and considering that the division upon that occasion amounted to a negative upon the proposition for transferring the elective franchise to the hundreds of the county, the most proper course to be pursued was, to transfer it to Manchester. And, with respect to East Retford, I thought that, as in the case of Grampound, the franchise might be given to the adjacent hundred. I cannot say that my proposal met with a very ready acquiescence from my colleagues; but I did after that time consider myself at liberty, as the organ of the government, to give my assent to such an arrangement, while I reserved to myself the right, as an individual, to pronounce my judgment upon the evidence which might be brought before me to substantiate the charge of corruption against East Retford. Reserving to myself this right of judging upon the evidence according to my conscientious conviction of its value, I did, therefore, feel it incumbent upon me, as the organ of the government, to take the precaution of ascertaining that course which I might be authorized to call upon its members to support, because I did not think it consistent with honour and good faith to lend the support of the government to any measure in this House, unless I could be satisfied that it would be promoted and advocated with equal zeal in the other. This is what I stated to the members of the government, and this was the ground upon which I proceeded; but I do declare most solemnly, that I never submitted to them any proposal as to what was to be done, in case of there being only one borough to deal with. With respect to the borough of Penryn, I considered that there had been three several acts of interference upon the part of the House; and I thought it likely that the House of Commons, as a branch of the legislature, would be disposed, not merely as in a court of law, to take into consideration the simple case of bribery proved last session, but that, having before determined to make a forfeit of the franchise of Penryn, it would have a right, in coming to a determination upon the subject, to refer to its own previous acts. In submitting to the choice made by the noble lord for the franchise of Penryn, a choice confirmed by a majority of four to one, I certainly considered Penryn as at the mercy of the House, and I never contemplated the possibility of the bill being lost

from defective evidence, as I understand now that it is likely to be. I repeat, therefore, without stopping to enquire whether I were right or not in thus proceeding upon the supposition, that the proposals I made to my colleagues were founded upon the principle of there being two boroughs whose franchises were to be forfeited.

In this state of things the hon. gentleman (Mr. Tennyson), not waiting until the final decision of the question upon the borough of Penryn, brought under the consideration of the House the case of East Retford. I did not, on that occasion, act hastily. The question of the second borough was coming on before the other borough had been disposed of; and I felt that nothing could be more repugnant to my feelings, upon the grounds of policy and propriety, while there was a chance of the other bill being rejected, not to be able to state the determined intentions of the government. On the very day, therefore, before that fixed for the debate upon the East Retford bill, I took measures for the assembling of my colleagues, in order to lay the question before them. That meeting took place on a Sunday, but no final determination was come to on that day. I repeated my unwillingness to be present in the House at the discussion, unless I possessed some authority to declare the intentions of the government; and on Monday, the very morning of the day on which the division took place, a second meeting of my colleagues was held to reconsider the question. Most certainly I was not authorized, as a member of the government, at that meeting, to give, as their organ in this House, my consent to the transfer of the franchise to Birmingham, even if I had been so disposed myself. My right hon. friend observed, that in the previous discussion I took a different line of argument upon the question from that which I adopted then—

Mr. Huskisson here observed, that he did this inadvertently.

Mr. Peel continued: My right hon. friend says, he made this observation inadvertently, and I thought at the time he had spoken of this matter inadvertently, and in the heat of argument. My right hon. friend said, that if he had only one borough to deal with, he would consent to give it to a great manufacturing or commercial town, and he says that an inference was to be drawn from what I said, which warranted him in thinking that my opinions coincided with his. This is most certainly the very first time I ever heard that any such inference was to be drawn from what I said upon this subject; and I really must say, that in all the discussions which have taken place upon the question, I never heard that any such inference could be drawn from any thing I said, or from any argument I had advanced. Sure I am, at all events, that no authority was given to me by the members of the government to make any admission upon the subject of the single borough. My right hon. friend will recollect, that on the Sunday, when the meeting took place, I told him he was in a different situation from the other members of the government. I said to my right hon. friend, "You have made a declaration upon the subject of the single borough, which may embarrass you: you have already declared, that if there were only one borough to dispose of, you were prepared to give the franchise to a commercial and manufacturing town." My right hon. friend may not recollect this,—very probably he does not. But this I certainly did understand from my right hon. friend, and I think he will bear me out in what I say, that he entered into the views of the government, until the question came to be further considered; and that, on the night when we voted on different sides, he had agreed to support the views of the government. Reserving the right of judgment vested in each individual member of the House and the government, I think my right hon. friend will recollect, that, until the House of Lords came to a decision upon Penryn, he agreed on that night to adhere to the resolution moved by the hon. member for Hertfordshire. My right hon. friend will correct me if I am mistaken; I think, however, my right hon. friend will admit he declared, that when the Penryn bill was disposed of, the time would come for the redemption of his pledge, but at present he thought the better course would be to adhere to the course adopted by the government. I certainly understood my right hon. friend to acquiesce in this proposition. I am not indeed quite certain that he did not propose it. Upon what night my right hon. friend proposed to redeem the pledge he had given, I do not know; but knowing that he had given his assurance of voting with me that night, I sat beside my right hon. friend throughout the evening with the fullest impression that he would vote with me, and I did so even after I had heard the speech of my right hon. friend, under the conviction that the

further consideration of the bill would be postponed. In the course of the deliberations with my colleagues upon this subject, I observed that this was the first time the disfranchisement of a borough had been made a cabinet question. It was also observed, that upon questions of this kind various opinions might be formed, according to the different constitution of the minds of each individual when applied to a subject involving matter of judicial discussion. If the Penryn bill were thrown out, it was therefore understood that each individual was to be allowed to vote according to his peculiar impression of the merits of the case. I do not know whether we did not come to a resolution of that kind; but this I am sure of, that such was the understanding among us. I deny, however, most positively and most unequivocally, that I ever gave utterance to any opinion upon the course I meant to pursue upon the subject of the single borough. In the haste and anxiety of debate, I may have expressed myself imperfectly; but I deny that I gave any authority to form such a conclusion. I would ask, indeed, after what I have stated, whether it were at all likely that I should do so? I approached the question perfectly free and unfettered, but I felt that, under the circumstances I have stated, I was not at liberty to declare my opinion. In the course of the debate, however, on that evening, my right hon. friend was reminded by a noble lord (Sandon), of the promise he had made upon the subject of the transfer of the franchise of this single borough. And here I must observe, that my right hon. friend has not a little surprised me to-night, by declaring that he could not consent to accept as an apology for not redeeming his pledge, the paltry subterfuge of their having no precise knowledge in that House of what had taken place in the other. Now, unless I am very much mistaken, my right hon. friend argued upon that very occasion, that the House of Commons had no such knowledge of the proceedings of the House of Lords, as would warrant them in concluding that the franchise of Penryn was not to be disposed of in the way they had determined. My right hon. friend contended, at least, that they had no official or formal knowledge of the fact which would authorize them in forming a conclusion. I possess, however, a report of the debate, and I shall take the liberty of reading the passage to which I allude: "It ought not to be forgotten, in considering the present question, that a bill has been sent from this House to the other House of Parliament, and which we cannot know will not pass into a law; and leaving the arguments upon the transfer of the franchise to Birmingham totally out of the question, I think it would be highly inexpedient, without any knowledge, at least without any regular knowledge, of the fate of that bill, to send up a second bill to the House of Lords with a similar provision." After such a declaration as this, I confess, I was surprised to hear the argument of my right hon. friend—[Mr. Huskisson here said, he meant they had no conclusive proof.]—My right hon. friend says, he had no conclusive proof of the loss of the bill. If it passed, then he obtained the objects he desired. But I agree with him that there was no formal information upon which they could proceed, or upon which they could consent to rescind the resolution. I do, however, assure my right hon. friend, that if he had said he must redeem the pledge he gave on that night—if he had told me he thought it would be more consistent to redeem the pledge at once—he never would have heard one single syllable from me upon the subject. We had come down to the House with a different understanding; but if he had said to me that the time was come when he ought to redeem the pledge he had given them, then the matter might have ended without any difficulty. My right hon. friend, however, did vote against the government, and that gave rise to the transactions of which I am about to speak.

I have now stated all I know upon this subject, and the course I pursued through the deliberations. My right hon. friend says, he saw looks that he did not like since he gave the vote, from some persons, and heard of observations being made by others, which had given him great dissatisfaction. I do not know whether mine are the looks which my right hon. friend did not like, but I must say, that my right hon. friend is very much deceived if he supposes that I looked with any displeasure upon the occasion, or that I attached more than a very slight importance to the difference of opinion which had been expressed. Knowing the understanding which prevailed between us upon the course which was ultimately to be adopted, I was prepared to meet my right hon. friend with feelings very little altered. I should have thought, and I say it with perfect sincerity, that it would have been better if my right hon.

friend had stated to me the grounds of the vote he intended to give, before he did give it. My right hon. friend, however, proposed that the decision upon the question should be postponed; but, after what had passed, I had no alternative but to press the question to a division. I assure the House, and my right hon. friend, that I never preferred any complaint upon the subject of my right hon. friend's vote to any member of the ministry; and nothing ever gave me more surprise than to find that the consequence of that vote was a tender of the resignation of my right hon. friend's office. I had never conveyed to any one the slightest expression of dissatisfaction; and nothing, I repeat, surprised me more than that tender of resignation. With this observation I close the first of those periods embraced in my right hon. friend's speech.

I now approach the second and subsequent part of these transactions, and I confess I do so with feelings of the most painful interest—the more painful, because my right hon. friend has made several observations upon the conduct of the noble duke at the head of the government, necessarily and unavoidably in his absence; but some of them in a spirit which I deeply regret. Regret them, I say I must, because I know the intentions of that noble duke; and if I did not know them, I can assure the House, most solemnly, I would not be here to address them from this place, and upon this occasion. I repeat, therefore, that I do think some of these observations were made in a spirit not calculated to do justice to that noble person, or to give a perfectly fair representation of those circumstances which led to the present occurrence. In order to understand this part of the question, I must take leave to refresh the memory of the House, by reading that letter upon which the whole question mainly depends:—namely, whether the first letter to the noble duke did, or did not contain a formal resignation of his office. On the morning when my right hon. friend separated from his colleagues—on that particular day when the question of East Retford was discussed—he undoubtedly quitted them with every mark of friendship and cordiality. My right hon. friend certainly left his colleagues under an impression that they were all about to take the same course. The next morning, however, at two o'clock, he addressed a letter to the noble duke at the head of the government, endorsed “private and confidential,” and couched in these words:—

“DOWNING STREET, 2 A.M., May 20.

“My dear Duke:—After the vote which, in regard to my own consistency and personal character I have found myself, from the course of this evening's debate, compelled to give on the East Retford question, I owe to you as the head of the administration, and to Mr. Peel, as the leader of the House of Commons, to lose no time in affording you an opportunity of placing my office in other hands, as the only means in my power of preventing the injury to the king's service which may ensue from the appearance of disunion in his Majesty's councils, however unfounded in reality, or however unimportant in itself the question which has given rise to that appearance. Regretting the necessity of troubling you with this communication, believe me, my dear Duke, ever truly yours,

(Signed) “W. HUSKISSON.”

Now, Sir, I ask any man at all acquainted with political affairs, and the usages of public men, whether the expressions in this letter do not amount to a formal tender of resignation [hear, hear]? Certainly it is not an unqualified, absolute resignation; but when a minister of the Crown addresses the head of the administration in such terms as these—“I lose no time in affording you the opportunity of placing my office in other hands, as the only means of preventing injury to the king's service”—and “I regret the necessity of troubling you with this communication”—could any one put any other interpretation than this—“I tender you my resignation?” My right hon. friend has coupled his case very dexterously with slight circumstances, for the purpose of giving a character of harshness and injustice to the course which has been pursued towards him. But I beg leave to remind my right hon. friend of the circumstances under which this event occurred. My right hon. friend, I will confidently say, had received no slight from me, or from any other member of his majesty's government. I understand, however, that very great surprise was felt abroad, at the disagreement of two members of the cabinet with respect to the East Retford question. For my own part I attached very little importance to the circumstance; but un-

doubtedly rumours went forth, that there was great disunion amongst his majesty's ministers, and that the East Retford question was the cause of it. Just at the time when these reports were flying about, my noble friend received the letter which I have just read, telling him that he was at liberty to place the office then held by my right hon. friend in other hands. My right hon. friend says, he sent this communication in a box, and that it ought to have been considered private—just the same as a verbal communication. But why, I ask, should it be so considered? If a person wished to avoid all appearance of disunion—if he were desirous of discountenancing rumours which attributed serious difference of opinion to ministers—if, at the same time, he still found it necessary to make an explanation in a quarter where there existed perfect cordiality and kindness (which was the case till this letter was written), was it not the fair and obvious course to wait personally on the first minister of the Crown, and to declare his views and sentiments on any particular point? Nothing was more easy than for a person thus situated to say, "I have done so and so: if I have done that which renders it necessary for me to quit office, I am ready to give it up." Discussion and explanation might then have followed, and the difference might perhaps have been settled. But was it the same thing to send a letter, stating that an opportunity was given to the head of the government to place in other hands the office held by a cabinet minister? This course was taken, too, at the very time when my right hon. friend resided, and was transacting business, within two or three doors of my noble friend in Downing-street. If my right hon. friend's feelings were so alive, as no doubt they were, with respect to this question, why did he not write to the noble duke, saying that he would take an opportunity of calling on him for the purpose of explaining? I am not now speaking of transactions in common life; but such, I maintain, is the course which a member of the administration ought to pursue, if he wished to relieve my noble friend from any embarrassment into which he supposed his conduct was likely to plunge him.

I here beg leave to say one word of tenders of resignation. I think that such tenders, on the part of ministers of the Crown, ought to be very sparingly dealt with. I think no government was ever so constituted as to be constantly unanimous upon all points. Where twelve or thirteen gentlemen of education meet together to discuss questions of great importance, there will undoubtedly be shades, and strongly marked shades, of difference in their opinions; unless they are pleased to bow to the opinion of some one man, each individual will be at liberty to state his own views; and of that liberty he will of course take advantage. I think it is perfectly honourable for any man to adhere to his own peculiar ideas, in matters that are of general moment. If his principles are disapproved of,—if his conduct is opposed to that of the great majority of his colleagues on a variety of questions,—then his course is clear, and he is at perfect liberty to retire. But I do think that caution should be used—that an intermediate course should be adopted—before a tender of resignation is made, when it might be avoided. I do not mean to say that circumstances may not sometimes justify a prompt tender of resignation; but I do contend that such a system ought to be sparingly resorted to. It certainly has this tendency—it relieves one individual from responsibility, while it imposes that responsibility on another. I am, however, bound in candour to say, that I do not think my right hon. friend sought any advantage of that kind from the course which he has taken. In my opinion, my right hon. friend acted hastily and unthinkingly; but, as an honest man, I feel myself called upon to declare, that I believe my right hon. friend had no intention to create embarrassment, or in any way to weaken the government, by pursuing that line of conduct. It is, however, a course which is calculated materially to embarrass the parties who are at the head of the government. If, when my noble friend received that letter, he had said, "I will not accept this resignation, you must still continue in office," what would have been the consequence? Would not the feeling throughout the country have been, that my right hon. friend's services were so extraordinary, that the noble duke had refused to accept his resignation,—that he had, in fact, solicited him to remain, as the only means of carrying on the government? Such would have been the inevitable construction put upon the transaction; and, as my noble friend had done nothing to deserve it, he ought not to have been exposed to such a construction. My right hon. friend says, that his letter was marked "private and confidential," and therefore should not have been treated as an official document.

Now, Sir, I do not think that public men attach much importance to those terms. I am myself, from foolish habit perhaps, accustomed to endorse my letters connected with public business with the word "private," or the words "private and confidential." I do not, however, rely upon this point; but I contend, that no superscription or endorsement of "private and confidential" can alter the case if the letter be of a public nature. If it relate to an important public act, the mere saying that it is marked "private," cannot alter its tenor or bearing. No public man can, by such means, envelop in secrecy public acts of great importance. It cannot be said, that the words "private and confidential" stamp that letter as one which was addressed to my noble friend under ordinary circumstances. Again, I will say that the character of the letter depended on the matter it contained, and the terms in which it was couched, and not on the superscription. That letter referred to a vote given in the House of Commons, and to "disunion" which was likely to result from it. The letter adverted to a vote in the House of Commons, and my right hon. friend speaks of the duty which he owed to the Duke of Wellington as the head of the administration, which duty impelled him to tender the resignation of his office. What, then, does my right hon. friend mean by having his letter marked "private and confidential?" His letter said, in effect, that a minister of great importance held his office on so precarious a tenure, that he felt it necessary to tender his resignation. As that was the case, could the noble duke conceal the circumstance from his colleagues—could he keep his knowledge of this declaration from the Crown? I cannot, under these circumstances, give to the words "private and confidential" the importance which my right hon. friend wishes to attach to them; and I do not think that they could or ought to have prevented my noble friend from communicating the contents of that letter. Those words undoubtedly could not relieve my noble friend from communicating the letter to his colleagues and to his majesty. The answer to that letter shows the view which my noble friend took of the subject, and also the situation of embarrassment in which he was placed. My noble friend wrote thus:—

"LONDON, May 21, 1828.

"My dear Huskisson,—In consequence of your last letter, I feel it to be necessary to recall to your recollection the circumstances under which I received your letter of Tuesday morning.

"It is addressed to me at two o'clock in the morning, immediately after a debate and division in the House of Commons. It informs me, that you lose no time in affording me an opportunity of placing your office in other hands, as the only means in your power of preventing an injury to the king's service which you describe. It concludes by 'regretting the necessity for troubling me with this communication.' Could I consider this in any other light than as a formal tender of the resignation of your office, or that I had any alternative but either to solicit you to remain in office contrary to your sense of duty, or to submit your letter to the king?

"If you had called on me the next morning after your vote, and had explained to me in conversation what had passed in the House of Commons, the character of the communication would have been quite different; and I might have felt myself at liberty to discuss the whole subject with you, and freely to give an opinion upon any point connected with it. But I must still think that if I had not considered a letter, couched in the terms in which that letter is couched, and received under the circumstances under which I received it, as a tender of resignation, and had not laid it before the king, I should have exposed the king's government and myself to very painful misconstructions. My answer to your letter will have informed you that it surprised me much, and that it gave me great concern. I must consider, therefore, the resignation of your office as your own act, and not as mine.

"Ever yours most sincerely,

(Signed) "WELLINGTON.

"The Right Hon. W. Huskisson."

Such was the view which the noble duke took of the course adopted by my right hon. friend, as well as of the state of embarrassment in which he would be placed, if he did not receive his proffered resignation. To me it appears impossible that my noble friend could have acted otherwise. There was in fact no alternative for my



noble friend at the head of the government, but to solicit one of the ministers to remain in office, or to adopt the course which he did by carrying the letter to the king. I grant that fair allowances should be made for the feelings of the individual minister under the circumstances in which he was placed; but allowances ought also to be made for the feelings of my noble friend, who, having but one alternative, was obliged to choose between solicitation or acting upon the resignation, such as it was; and I must say, for my own part, that I think the noble duke was perfectly justified in the course which he took upon the occasion. If my right hon. friend was of opinion, at any time after the transmission of his letter, that there was not sufficient cause to call for his resignation, the course was open to him to write and say so. That my right hon. friend did not think proper to avail himself of that course, is a circumstance upon which I shall never cease to feel the deepest regret.—But my right hon. friend has complained of a message which I understand to have been conveyed by my noble friend, lately at the head of the foreign department (Earl Dudley), from the noble duke; the message was merely that “Mr. Huskisson is a man of sense.” I am sure that if such were the message, and I have such confidence in the honour and unimpeachable veracity of the noble earl as to believe that it was—the expression could not have been intended in any other way than as the assertion of a fact; and neither that nor any other expression which my noble friend might have used could have been intended as a slight towards my right hon. friend. A great deal, I allow, must depend on the manner. It is evident that there was nothing in the expression, unless as my right hon. friend has said, it was intended as a sarcasm. But is such the interpretation to which it was fairly liable? On the contrary, is it not natural that my noble friend, feeling the difficulty in which my right hon. friend was placed, and feeling also that he was a man of sense to deal with that difficulty, should have expressed that he was so? That my noble friend did not make any distinct proposition on the subject, can be accounted for by other considerations than the wish to force my right hon. friend to actual resignation. If the noble duke had suggested any terms, it might have looked like dictation; if he had resorted to any solicitation, it might have had a tendency to lessen his consequence, as the head of the government, in the eyes of the world. I understood, from my noble friend to whom I have before alluded, that the message of the noble duke was not intended as a sarcasm; that the noble duke stated, “Mr. Huskisson is a man of sense, he knows how to act upon this occasion:” and I think my noble friend represented the noble duke to have added, “and he knows I am not a person to require any admission or conduct from him which could be inconsistent with his personal honour.” I am much mistaken if my noble friend has not represented the noble duke to have used these words, or words to this effect. If the expression had been conveyed in the manner which my right hon. friend has erroneously supposed, I am ready to allow that it was a most uncourteous proceeding, and that the natural and necessary effect of it must be, to prevent all advances to conciliation. But so far from wishing to prevent conciliation, the noble duke waited until two o’clock on the Tuesday before he took the letter to the king. My right hon. friend has said, that the noble duke returned his letter to him unopened, because it had not arrived before two o’clock. That, too, has been complained of as an uncourteous proceeding; but when I have stated the circumstances in which my noble friend was placed, I will appeal to any man in the House whether he could have acted otherwise with honour and delicacy. The noble duke had not received this letter until after he had been with the king, and Sir George Murray had actually been appointed the successor of my right hon. friend. Under these circumstances, the noble duke thought it probable that the letter might allude to past transactions, which were no longer open to arrangement, and felt that he should not be justified in opening the letter, and availing himself of its contents. Can conduct like this be compared to the act of a man who returns a letter from want of courtesy, or in a disposition to cast a slight upon the writer? When, shortly afterwards, I met my noble friend, and understood from him that he had returned the letter, I will not disguise from the House that I expressed a hope that my noble friend returned it in such a manner as to show plainly the motive and ground upon which he had done so. The answer of my noble friend was, that he had received it after he had been with the king, and after a successor had been appointed to Mr. Huskisson, and that he did not feel himself jus-

tified in reading its contents. He did not therefore return it in an uncourteous manner, or with any feeling of disrespect or inattention towards my right hon. friend. I only state this to show how necessary it is to consider the circumstances before we come to a decision upon these transactions. With respect to the first letter of my right hon. friend, I believe that my noble friend did not consider it in the light of an absolute resignation. But, though not an absolute resignation, it was a formal tender of resignation from a minister engaged in a most important department; and it was a tender which was not followed up by any subsequent communication, calculated to remove the impression that it was tendered with a view to be acted on. In all the subsequent letters there was no withdrawal of the first, which, although it was not an actual resignation, was a tender of it; on the contrary, every one of them referred to that letter. This I believe to have been the actual state of the case, and I never can speak on the subject without expressing my regret at the circumstances from which arose its necessity.

My right hon. friend, in conclusion, referred to a subject of still more importance. The insinuations, rather than the direct assertions, of the hon. member who opened this debate, gave it to be understood that there was some want of confidence in the government towards my right hon. friend, and that advantage was taken of a casual circumstance in order to get rid of his services. I now beg to repeat, that if I were not as firmly convinced as it is possible for a man to be, that this was not the case, and if I were not perfectly satisfied that such injustice never existed, nothing upon earth could induce me to remain a member of the cabinet. My right hon. friend has asked, whether a portion of the aristocratic interest did not signify to my noble friend, that their support was only to be purchased by the exclusion of my right hon. friend from the councils of the sovereign. I say, in answer, that the time for such an interference has gone by. I do not believe that any such influence has been exerted, and I am sure that, if such an attempt were made, it would be repelled in the manner it would deserve. I say, Sir, that up to the hour of my right hon. friend's resignation, there was the most perfect cordiality between the other members of the cabinet and him, and that not an idea was entertained of excluding him from the councils of the government, on account of any influence, or of any thing he had done. It is, therefore, a mistake to suppose that my right hon. friend has been, or can have been excluded from the king's government by such representations. My right hon. friend has done me the credit to say, that he believes me incapable of acting with subserviency under any circumstances in which the cabinet may be placed. I know not from what considerations my right hon. friend has come to this conclusion, but I hope it is from a knowledge of the course which I have always pursued. I stated, at an early period of the session, that I thought the government of this country could not be conducted upon any extreme principles—that it could not be conducted by selecting any one interest as the favourite; but that that course, call it compromise if you will, or by any other name you may think proper, was a wise policy which attempted to reconcile conflicting interests, and to do justice alike to all. I never will, in any advice which I may give to the king, be swayed by Mr. Canning's principles, or Lord Liverpool's principles, or by the principles or system of any other men. I know nothing of the systems of individuals as a member of the government. It is easy to imagine systems, and to attach nicknames to opinions, but I will decide upon each question that comes before me by its own merits, by the circumstance of the case, and by the complexion of the times. I will act upon all occasions without tying myself down to any peculiar principles. As to the separation which has occurred, I avail myself of this opportunity to state, that, so far as I know, it has not taken place in consequence of any difference, either of policy or of principles, amongst the members of the government. And, with respect to my noble friend, I will ask, with the money and other supplies of the year not voted, can it be for a moment imagined, that the noble duke would be studiously desirous of breaking up the administration, or whether he is a man likely to act from secret views, which he would not openly avow? I say that the conduct of my noble friend, throughout the whole of his administration, affords the most complete refutation of any such idea. I say that my noble friend, from the first moment he accepted his present office, attempted to unite the government; and, by the spirit of moderation and the proof of temper exhibited by him, endeavoured to lay the foundation of a stable administra-

tion. I do not disguise from myself the difficulties of the situation in which I am placed : I do not disguise from myself the difficulties in which the country is placed ; but I hope that I shall be found capable of taking the medium between the presumption of confidence and the timidity of despair—I shall give my best services to my sovereign, so long as he shall be pleased to command them. Whatever difficulties I may have to encounter, or however exposed I may be to the calumnies by which public men are assailed from all sides, I shall devote to the last hour every energy I may possess, to the maintenance of that post in which my sovereign has placed me [loud cheers].

Later in the debate, Mr. Peel said, that the separation between himself and his right hon. friend had not arisen from any difference of opinion on the general policy of the government. He had made no compromise in remaining in office. As to the future, he would not give any pledge, but he did not contemplate any change in the foreign or domestic policy of the country.

The house then resolved itself into a committee on the East Retford Disfranchisement Bill ; and, after much angry discussion, the Report was ordered to be taken into consideration on the 9th instant.

## STATE OF THE POOR IN IRELAND.

JUNE 5, 1828.

In a debate on the presentation, by Mr. Brownlow, of a petition from Dublin, respecting the Unemployed Poor in Ireland,—

MR. SECRETARY PEEL said, he could assure the hon. member for Armagh, that his absence when the hon. member presented this petition did not arise from any indifference as to the object to which it related. In an interview which he recently had with the hon. member, he had stated that he was much interested in the situation of Ireland, and he thought he had said sufficient to remove a contrary impression. In his opinion, any advance of the public money for the improvement of Ireland, ought to be directed with great caution ; because he thought when the public money was granted with lavish hand, and without due circumspection, it encouraged habits in that country that produced the worst consequences. It taught individuals to consider themselves as freed from any responsibility as to the amelioration of the country ; it led those who had money, and who did not make any personal exertions for the improvement of the state of the people, to withhold that aid which, if the public money were not advanced, they would perhaps be inclined to afford. In another point of view, the lending the public money ought to be looked at with extreme caution ; because it might lead to great speculation in the appropriation of the sum advanced, and thus eventually produce more mischief than good. But all these doctrines must be received with qualifications. It could not be laid down as a general maxim, that the public money should never be advanced for the furtherance of such objects as were mentioned in the petition. Not a few instances might be adduced where the appropriation of the public money to such purposes had been beneficial to this country, even admitting that the whole burthen of the advance had fallen upon her. It appeared to him that public money might, in a variety of instances, be usefully appropriated in the improvement of Ireland ; particularly in opening channels of communication between remote parts of the country, and forming roads in mountainous districts,—improvements on which the money of private individuals would never be laid out. He recollected a part of the west coast of Ireland in which there were a number of places almost inaccessible, on account of the extreme badness of the roads. The grand jury had the power to assess the county for the purpose of raising a fund to remedy this evil ; but they declined to exert that power, feeling perhaps that they would not be justified in applying the money of the county, which it was their duty to watch over, to a purpose more of a local than of a general nature. But that House, at the instance of government, did apply a

portion of the public money to that work, and he believed it had repaid the outlay many per cent., by calling forth a degree of industry and energy which never would have existed but for the employment that was thus afforded; and, above all, by inducing those habits of persevering labour which never could be inculcated in the absence of active occupation. In addressing themselves to this subject, they ought to recollect, that the best way of preserving peace and tranquillity was by encouraging industry. If, by pursuing that course, they prevented riot and disturbance, they benefited themselves in a pecuniary point of view, because they were thus relieved from the expense which would otherwise be incurred in maintaining tranquillity. In many parts of Ireland, the government was put to a greater expense in maintaining a military force to preserve tranquillity, than would have been incurred if the same end had been sought to be attained by opening lines of communication between different places, and thus promoting active industry. This was a subject to which the attention of the lord-lieutenant had been directed, and he had that morning received a letter from the noble lord, offering his personal assistance in superintending the appropriation of any money that might be devoted to the improvement of Ireland, with a view to its proper expenditure. He admitted that extreme caution ought to be adopted in the application of the public money to projects of this nature, not only with a view to economy in the expenditure, but to prevent persons from falling into the too prevalent error of not relying on their own energies; but he thought that the proposition of his hon. friend the member for Louth, in the principle of which he agreed, would tend very much to obviate any difficulty connected with the appropriation of a portion of the public money. With respect to the general plan stated in the petition, the first thing to consider was, how they could best remove any impediments which might appear to be opposed to its progress. It was proper that the private rights of individuals should be respected, and an opportunity given to every one interested to protect his peculiar rights. Care should be taken, that productive lands on the banks of rivers through which the necessary drains were carried, should not be injured. But looking to the course adopted in the great drainages in this country, he could not conceive, although local difficulties might present themselves, that by perseverance and caution, and not expecting too much at first, considerable good might be effected. That the plan would be attended with difficulty, he admitted. The greatest would unquestionably be, to guard against the invasion of private rights. That, however, with proper care might be overcome; and, considering the great importance of a general drainage throughout the country, he conceived that any gentleman who undertook such a project would be entitled to the public thanks. With respect to the enclosure of bogs, it presented greater difficulties than to a general drainage act, on account of the necessity of guarding the interests of the lower class of tenants who resided near those bogs. But he conceived that a tenant on the margin of a bog, who had the privilege of driving twenty or thirty head of cattle upon it, to procure such scanty pasture as it afforded, possessed a right that was worth very little, and which could easily be settled by arbitration or mutual compromise. He thought it would fully satisfy the tenant if he received £4 or £5 a year for his interest. The boundaries to which such rights extended should be clearly pointed out. The utmost facility ought to be given for determining those boundaries precisely. The greatest difficulty would arise, if such rights were left unsettled until after the improvement had been made. As the country improved, the difficulty of arriving at a satisfactory settlement would be increased; and by and by it would be almost impossible to do that which might now be easily effected. If the boundaries were now determined, it would form the foundation of a permanent settlement hereafter. Nothing could give so much stability to a project for an enclosure of land, as a proper settlement in the first instance. Whether that settlement should be made under the direction of arbitrators, of commissioners, or in what other way, were points of great nicety. Those difficulties ought not, however, to prevent them from looking the subject fairly in the face; because it was a matter of very great importance to get into cultivation two or three millions of acres of land, naturally fertile, but which had become almost useless. He understood that that species of soil, or manure, which was most applicable to the reclamation of lands of this description, was found on the borders of the bogs in very great abundance. In conclusion, he begged to repeat, that nothing could be more fortunate for Ireland than that, in dis-

cussing a question of this sort, they should throw aside all political differences, and unite in promoting the prosperity of that country.

The petition was ordered to lie on the table.

### SMITHFIELD MARKET.

JUNE 5, 1828.

Mr. R. Gordon having presented a petition from upwards of 1,400 merchants, bankers, and inhabitants of London, complaining of the present condition and management of Smithfield, and the places appropriated to the slaughtering of cattle,

MR. SECRETARY PEEL said, he certainly could not congratulate any gentleman upon his task, who, at that late period of the session, should undertake to carry a bill through parliament, which should remove Smithfield market, provide another, and settle all the claims for compensation of the parties concerned. He did, however, think that the proper course would be, to give notice of a motion for the appointment of a committee, and not make such a motion then. He had read the petition, and thought that a committee ought to be appointed to enquire into the statements it contained. For instance, the grounds upon which the nice calculation was based respecting the loss of meat from bruises, seemed to him to be worth enquiring into. He had received a letter from the master butchers, who were in the greatest alarm, and begged of him to oppose the prayer of this petition. He had assured those gentlemen, that nothing should be done without giving an opportunity to every party of being heard. It was impossible to look at the state of Smithfield market and not say, that it would be very unfortunate if it must be continued. He did not consider it an objection, that these individuals had come forward with a view to their own private interests. Government, in this country, could not take charge of such institutions; they must be left to individuals, as a great many others were; and if any set of individuals could effect a great public convenience, of course they ought to be remunerated for it. At the same time the rights of individuals ought to be taken care of; and it would be better if the hon. member would give notice of a motion for the appointment of a committee.

The petition was ordered to lie on the table.

### SMALL NOTE CURRENCY—CIRCULATION OF SCOTCH NOTES IN ENGLAND.

JUNE 5, 1828.

On the motion of the Chancellor of the Exchequer, the debate was resumed upon the amendment made, on the 3rd of June, to the motion, "That leave be given to bring in a Bill to restrain the negotiation within England of Promissory Notes and Inland Bills of Exchange, under a limited sum, issued by Bankers or others in Scotland or Ireland:"—which amendment was to leave out from the word "That" to the end of the question, in order to add the words, "a Select Committee be appointed, to enquire into the State of the Circulation in Promissory Notes under the value of £5 in England, and to report their observations and opinion thereupon to the House, with reference to the expediency of making any alteration in the Laws now in force relating thereto," instead thereof.

In the course of the debate which followed,—

MR. SECRETARY PEEL said, he cordially concurred in the observation of an hon. member, that it would ill become them to speak too dogmatically upon matters of such great moment as those which the House was now engaged in considering. The facts to be collected were so numerous, so widely spread, affected the interests of so many, and were composed of such various elements, that that man must indeed entertain great confidence in his own judgment, who could make up his mind conclusively on the whole bearing of the question. The hon. gentleman had alluded to the resolutions which parliament had come to, as a proof that they should abate their confidence;

and in that also he agreed with the hon. gentleman. But while he admitted those positions, he must say that nothing could give rise to more serious evils than keeping the public mind in a perpetual state of uncertainty as to the intentions of the legislature. If they resolved at one time that the issue of small notes should cease, and at another time that they should continue,—if they went on vacillating between one course and another, and finally gave up the principle to which they had repeatedly pledged themselves, the country would not place any reliance on their decisions. He concurred with the hon. baronet in thinking, that the question before the House ought not to be decided upon the ground of consistency: it was their duty to regard it on the higher ground of expediency; but the evidence of expediency should be very clear that could warrant them in retracing their steps, and undoing what they had done, with respect to the issue of small notes. He would argue the question in that calm and dispassionate manner which became the discussion of such subjects, while he endeavoured to show, that there was no such evidence of expediency as ought to induce them to retract the decision they had come to in 1826. He would address himself to the arguments adduced by many for whose opinions he entertained the highest respect, though he could not agree with them in thinking that we should retrace our steps, or, what was still worse, enter into an enquiry, the effect of which would be, to throw every thing into a state of uncertainty and confusion.

The first argument to which he would advert, it was, perhaps, hardly fair in him to refer to, as it had been urged on a former evening by the hon. member for Calington (Mr. Attwood) on presenting a petition. That hon. member had stated, that the country was reduced to such a state of distress, that she could not maintain her dignity in relation to foreign countries; that her resources were impaired, her productive energies suspended; that she was in a state of dissolution, and that her restoration to prosperity must be despaired of. There was nothing more unwise than to indulge in such gloomy descriptions of the country. He admitted, however, that gentlemen ought to be cautious how they prophesied future wealth and prosperity; and he remembered that, on former occasions, some persons, sitting where he then was, had been blamed for having indulged in too dazzling descriptions of our prosperity; but the other extreme was also to be carefully avoided, and the state of the country was not to be described under the influence of hypochondriacal feelings. He admitted that there might be some local distress, some districts in which trade was not flourishing; but he hoped to convince the House that the country was not in the desperate condition represented. He could not admit that the industry of the country was paralysed by the withdrawal of the one-pound notes; for he saw no signs of it in our manufactures or in the state of the revenue. He believed, if any necessity were to arise for war, that the House need not despair of the country, that she would not be able to maintain that high character she had long enjoyed. He would decide the question by general facts; for he would not deny that there were districts in which the demand for labour was less than in others, and in which distress might be felt. If there were that general distress and impaired energies, there would be a falling off in consumption, a reduction of work, and a general diminution in the demand for those articles which supplied the wants of the people. Since the 1st of February, 1826, not one single country bank-note had been stamped at the Stamp-office. Since 1826, then, they had been gradually reduced; and, if the ultimate reduction of them were to produce such evils as had been predicted by the hon. member, it was only reasonable to suppose that the partial reduction which had already taken place since 1825, should be attended with a diminution of production and consumption. A part of the evils pointed out by the hon. member ought now to be felt. But what was the fact? Had that diminution been felt in the revenue? He would not refer to that, however, because members might say, that its amount was only a proof of the great pressure the country was labouring under. He would refer to articles of general consumption; and he would show that no diminution whatever had taken place. He would compare the year ending the 5th April, 1825, with the year ending the 5th April, 1827. This was favourable to his view; for half of the year 1825 was a time of excitement, when the country was in a state of what the hon. member would probably call great prosperity. He proposed to take for the illustration such articles as strong beer, table beer, tallow candles, wax candles, cider, perry, malt, paper, glass, British spirits, and tea. He meant to compare the account of these

articles consumed in the year ending April, 1825, with the amount consumed in the year ending April, 1827; and the result would show the House, that they were not justified in taking that gloomy view which the hon. gentleman had thought himself justified in taking. The following were the returns of the consumption in those years respectively:—

	1825.	1828.
Strong Beer.....	6,500,000.....	6,542,000 barrels.
Table Beer.....	1,480,000.....	1,539,000 ditto.
Tallow Candles.....	104,980,000.....	110,718,000 lbs.
Wax Candles.....	959,240.....	923,000 ditto.

In the last article there was a falling off, but the consumption of the intermediate year, the year 1826, was 916,000 lbs. So that during the year 1827, there was an increase upon that of 1826, although the consumption was less than that of 1825.

	1825.	1827.
Cider and Perry ...	22,000 hhds.....	51,000 hhds.
Plate Glass .....	14,096 cwts.....	16,613 cwts.
Total Glass		
Crown Plate, } ...	516,000 cwts.....	594,000 cwts.
Broad Green, }		
Malt .....	27,906,000 bush.....	28,742,000 do. 25,340,000 (1827)
Paper .....	51,345,000 lbs. ....	52,304,000 do.
Printed goods .....	116,000,000 yds.....	122,000,000 do. 88,000,000 (1827)
Soap.....	93,000,000 lbs.....	97,000,000 do.
April 5, 1825.		
British Spirits.....	3,913,000 galls.....	7,330,000 galls. 5,000,000 galls.
Starch .....	4,961,000 lbs.....	6,945,000 lbs.
Tea .....	23,940,000 lbs.....	26,900,000 lbs.
Vinegar .....	2,857,365 .....	2,800,000
April 5, 1828.		
Aver. of last 3 yrs.		

From this statement it would appear, that a considerable increase had taken place in every article, with the exception of wax candles; and the inference from these facts was, that the industry of the country in producing, and the comfort of the people in consuming, those articles had increased in proportion. He would now pass to other topics which would illustrate his observations, and submit the following list to the House:—

*Ships entering Inwards from all Parts—British and Irish.*

	Tons.	Men.
Jan. 3, 1826.—21,786.....	162,614 .....	162,000
1827.—18,960.....	151,327 .....	151,000
1828.—20,457.....	165,548 .....	165,000

*Ships clearing Outwards—British Shipping.*

	Tonnage.	Men.
Jan. 5, 1826.....	2,633,000 .....	160,000
1827.....	2,676,000 .....	163,000
1828.....	2,828,000 .....	171,000

*Value of Imports into Great Britain, at different Rates of Valuation.*

Jan. 5, 1826 .....	£42,600,000
1827 .....	36,000,000
1828 .....	43,467,000

*Exports of Produce and Manufactures from Great Britain.*

Jan. 5, 1826 .....	£46,450,000
1827 .....	40,000,000
1828 .....	51,227,000

Looking, then, at all these general facts, he came to the conclusion, that there had been no falling off in British industry, and that therefore there was no reason for the gloomy anticipations of the hon. member for Callington. He came, then, to the questions involved in the motion, or rather in the amendment, of the hon. baronet. Was it desirable, or was it necessary, at this time, to lower the standard of value? As he understood the hon. baronet, his speech consisted of two distinct propositions: the first was, that the landed interest could not go on unless the standard of value was lowered, because it was not possible to pay in a currency regulated on a metallic standard a debt contracted in a paper currency. The second proposition of the hon. baronet was, that it was possible to maintain a paper currency, convertible into gold, when there was no gold as the basis of the currency. The first proposition was, to lower the standard; the second was, not to lower the standard, but to maintain a paper currency in circulation when there was no gold, and both these propositions he should contest. If things were now in the state they were in 1819, it might be a question of depreciating the standard of value; but, after the act of 1819 had been ten years in existence, the question became a very different one. Whatever opinions he might have been disposed to entertain in 1819, he could not for one moment suppose, after the present standard had been so long established, that it was now advisable to have recourse to the hon. baronet's proposition for lowering the standard of value. He had heard complaints against the proceedings of the committee of 1819: its report had been stigmatized with great severity; and he, as the author of it, had been charged with having done more mischief than any ten ministers that ever sat in parliament. Adopting the slander to the extent that distress had been occasioned, and sincerely deploring that degree of suffering, he still thought that such enormous difficulties would have been found in lowering the standard, that the alternative would, at last, have been the resumption of a paper system, or a return to a circulation of gold. We were told that we had a debt of eight hundred millions contracted in inconvertible paper, and that therefore it ought not to be repaid in gold. That was a very easy way to settle the matter; but we were to recollect, that, whatever was the case with some of the original lenders, the whole debt was not contracted in inconvertible paper; comparatively speaking, only a small portion of it was contracted when paper was inconvertible into gold, and the original creditors of the state having parted with it, it had, at subsequent periods, been transferred to hands who had given for it the full value. What satisfaction would it be to the landholder, who, on the depreciation of land, had converted his property into stock, to say, "You are a public creditor; but you received too much when you obtained £50,000 for your land, and we are about to act on a new standard, according to which we shall pay you off at a lower rate than that at which you made the exchange?" The state ought to have taken that into consideration at the time it created the original obligation: at that time the return to cash payments was only suspended, and it was determined that they should be resumed. From 1815, cash payments were only suspended; and all parties making contracts were aware that the country was about to make a great exertion, and the state ought at least to have said to its creditors—"We reserve to ourselves the power of repaying you in a currency not nominally the same in amount, but which shall be regulated by the existing depreciation." If the state did not reserve to itself that power, he believed that the departure from national faith would, in future times, have involved this country in great difficulties; and that if the time should ever arrive when the public necessities might require something more than the supplies of the year, and the example had been set of repaying the public creditor in a depreciated currency, the character of the country would have received a taint which would have greatly increased the difficulty of raising money on temporary emergencies. He had never disguised from himself the pressure that would be occasioned by repaying the amount of a debt, contracted while money was depreciated, in an improved currency; and if we refused to restore the original standard, we should find great difficulty in adopting any other upon any principle either just or satisfactory. The general assumption was, that, for a long period antecedent to 1819, there had been an immense depreciation of the paper currency; that was not the fact. It was, he admitted, very difficult to determine what should be the principle by which the amount of depreciation should be ascertained. Suppose he took the test of the hon. baronet (Sir J. Graham)—the differ-



ence between the market and the mint price of gold. That was the test which he selected; for in comparing the amount of taxation in 1813, and 1827, he urged that taxation in 1827 was heavier than in 1813, although in the first instance the taxation was nominally eighty-four millions, and in the last instance only fifty-two millions. He said, that a deduction ought to be made from the pressure of taxation to the extent of 36 per cent. He would, therefore, take the hon. baronet's test, and he found, that from 1803 to 1810 the market-price of gold was £4 per oz., and the depreciation was only £2: 13: 2 per cent. From 1810 to 1816 there was a great depreciation; it amounted in 1814 to 25 per cent; but in 1817 and 1818—two years before the committee of 1819—gold was only £4 per oz. All this was laid upon the committee of 1819; but, in consequence of the terrible revulsions to which the paper system had been subject two years preceding, paper had righted itself by a violent struggle, and the currency was again practically restored to within 2½ per cent of its original value. What had we done in 1819? We decided to revert to the ancient currency, and it was not fair to lay upon the committee of 1819, and not upon the paper system itself, a great part of the pressure which had since resulted from the attempt to restore the standard. But all this was beside the present question. The question now before us was, whether, having acted for ten years upon the ancient standard, we were now prepared to unsettle all the various transactions in that improved currency, and to apply to the liquidation of every debt some new standard? To that he never could consent. Great as the suffering had been, he had doubts whether any other system could have been safely followed but that which was adopted; but of this he was quite certain, that if we attempted to unsettle the system now, the confusion and uncertainty in all money transactions would be such as to compel us hereafter heartily to repent our rashness. As the hon. baronet had disclaimed the charge that this was one of the eight important subjects to be devolved upon the committee, he should not further advert to the point; but too much was due to the argument itself, and to the ability with which it had been supported, for him to neglect it.

I now approach that which has a more immediate bearing on the question; namely, whether it be safe to maintain throughout the whole of the united kingdoms a paper circulation, with power to issue notes below £5, without having any gold currency as the basis of that paper currency? Notwithstanding all I have heard, I entertain doubts whether the system can be safely adopted. And here let me tell the hon. baronet (Sir H. Parnell), that his proposal of an improved mode of banking is quite distinct from this point. Perhaps it might be materially improved, if the charter of the Bank of England did not stand in the way of that improvement. I am not prepared to say that an arrangement might not be made with the consent of the Bank previous to its expiration; but that is a consideration with which I will not now encumber myself. Still, with this improvement, I entertain serious doubts whether it would be safe to introduce a general paper circulation, to the exclusion of a gold currency. In this argument, I think it ought to be conceded to me, that a limited paper circulation below five pounds cannot coexist with a gold currency. The experience of all countries—of Scotland, of Ireland, and of the United States, shows that notes for 5s. and 2s. 6d. exclude silver currency. In Ireland, the existence of fractional notes for 15s. and 25s. has had the same tendency; and the same effect will be produced upon gold, if notes below the value of £5 are in circulation. The argument of the hon. baronet (Sir J. Graham) is, that a paper circulation, if it be convertible into gold, is sufficient for every purpose; and I will examine some of the illustrations by which he supported it. First, he mainly relies on the example of Scotland: he says, "You find there a paper circulation which has excluded gold, but by which the affairs of that country are prudently and securely conducted, with few failures, and panics of rare occurrence." My answer is, that nothing is more fallacious than to draw inferences from the case of Scotland. What I believe is, that the security of Scotland, in this respect, depends upon the metallic circulation of England, that you maintain the value of the paper circulation of Scotland by means of the exchange, and that the alteration of the system here is the safety of the Scotch circulation. The hon. baronet tells us, that there is some inconsistency in the report of 1819, and in me as having drawn it, in permitting Scotland to have a paper circula-

tion; and that the same advantage ought not to be refused to England. But the hon. baronet upon this occasion made a quotation which presents an imperfect view of the meaning of the writer. The hon. baronet omitted to state, that the opinion there mentioned was given as the opinion of the witnesses from Scotland, and not as the decision of the committee; and the quotation he made is introduced by the words, "the grounds relied upon by the witnesses from Scotland are these." My opinion follows, where it is said that, although it is recommended that the system of currency in Scotland should not be disturbed, yet the committee regret that they could not themselves express a clear, decisive, and unqualified opinion upon the subject. But I am ready to admit, that I am not satisfied that the circulation of Scotland has not a tendency to add to our insecurity. I certainly think that the paper circulation of Scotland relies on the Bank of England. Though I think the case of Scotland different from that of England, I believe uniformity of system would be greatly preferable to the maintenance of a paper circulation. Let the hon. baronet advert to this fact,—that in 1826 we had determined that within three years we would make a vigorous and decided effort to restore a metallic currency, and that it might be very desirable to restore it by gradual and secure steps. If he had determined at once to restore a metallic currency in England, and in Scotland which never had a metallic currency, the effect must have been much more violent; and we might have greatly aggravated the distress of Scotland, had she been called upon to join in the exertion, at the time when England threw twenty-two millions of gold into circulation. The time may nevertheless arrive when uniformity may be adopted.

The hon. baronet contends, that the bill of my right hon. friend is wholly unnecessary, because the report shows that the paper circulation of Scotland coexisted with the metallic circulation of England; but, a very few sentences afterwards, the hon. baronet offered his own contradiction of his position; because he said, that on his own estates in Cumberland the rents for seventy years had been paid in Scotch notes. This therefore is a complete proof, that the Scotch notes have for many years circulated across the border; and, unless you put a stop to it, you will do manifest injustice to the English banker, by giving a privilege to the Scotch banker of which the former is deprived. I believe that, very recently, a branch bank from Scotland has been established at Carlisle, and it may be a question whether this is consistent with the law as it now stands; but, if we permit the Scotch banker to issue notes without control, they will soon find their way beyond the border into the interior of the country. Hence it is evident that, in justice to the English banker, we have no alternative but to prohibit the issue of Scotch notes; and if by this bill we cannot prevent it, I apprehend we must resort to the other course, by introducing a gold currency into Scotland. But what may be true and safe with regard to Scotland, may be neither safe nor true with regard to the rest of the united kingdom. Such are my reasons for thinking, that it is impossible to trust to a paper circulation without a foundation of gold: paper may be convertible into gold nominally, and while people have confidence in it, well and good; but there will be a manifest tendency in every banker to do two things,—to issue as much paper, and to deposit as little gold, as he can: the whole supply of gold on which we can depend is that which is retained to meet the demand; all beyond that will be so much loss; the whole country will be saturated with small notes, and bankers will become dependent upon each other. It will then be impossible to take an adequate security against an excessive issue of paper; one failure will create a panic, and that panic, arising from a comparatively trifling cause, may be destructive to the whole; for we are to recollect, that the small notes will be in the hands of the mass of the population, upon whom panic will have the greatest effect, and argument the least force. If the parties themselves are not to retain gold as a deposit, the whole mass of the circulation will depend upon the Bank of England, without the smallest control on its part over distant establishments. There seems to me to be an inevitable tendency to an over-issue of paper, without a constant sentinel keeping watch upon it; and that sentinel is the metallic sovereign in constant circulation. If it be true of this country, it is true of every country.

The hon. baronet has endeavoured to support his position by reference to authorities of the highest rank. I trust that my enquiries upon this subject have made

me familiar with their writings; and if he really could support his proposition, as to lowering the standard, and introducing a paper currency, not convertible into gold, by such great authorities as Locke, Hume, and Adam Smith, I should of course be led to attach far more weight to his arguments. But, if there were any three names I should have quoted for a directly opposite purpose, they would have been precisely those upon which the hon. baronet relied. For a gentleman arguing in favour of lowering the standard to refer to such a man as Locke as an authority in his favour, I own did surprise me. I was well acquainted with Locke's beautiful Essay, in answer to Mr. Lowndes, the Secretary for the Treasury, in which he contended against every argument for reducing the standard; and I beg the House to observe what was the proposal of Mr. Lowndes, and the reply of Mr. Locke. Mr. Lowndes proposed that money should be raised one-fifth, or, in other words, that it should have one-fifth less silver in it. That, be it observed, is exactly the present proposal with regard to gold. What was Locke's answer—the writer who is now quoted as an advocate for altering the standard? "Altering the standard by raising the value of money will weaken, if not totally destroy, public faith, when all who trusted the public, and assisted our present necessities, under acts of parliament, the million lottery, the Bank act, and other loans, will be defrauded of twenty per cent." The quotation made by the hon. baronet I well recollect. It was from a singular paper, directed with great force of argument against the Usury-laws; for the landed interest at that time wished to limit the interest of money to four per cent. Locke never referred to an increase of money such as the hon. baronet contemplates, and Locke's opinion seems to be an erroneous one, however highly I may think of his Essay: at that time there was a great balance of trade against this country; and gold was sent out in great quantities, and Locke goes on to state the consequences of distressing the landed interest. But what was Locke's remedy? Was it a depression of the currency, or an issue of paper? He never thought of a paper circulation, nor of depreciating the standard of money.—The authority of Hume is even still less in favour of the hon. baronet. He cannot think more highly than I do of the philosophic writings of that great man; his acuteness, sagacity, and anticipations of the future, seem at times almost miraculous; and I apprehend that he deserves at least as high a reputation for his Essays as for his History. The hon. baronet referred to Hume, to show that the only wise course for a country is, to have a constantly increasing circulation; and no doubt, if the wit of man could devise a constantly increasing circulation, which never could come to a stand, it would much increase the active industry of the country; but the force of every stimulant must cease at some period, and be followed by a proportionate depression. Mr. Hume is speaking of the circulation of specie, and not of paper money. So far from thinking with the hon. baronet, that it is wise to increase the circulation of paper, Hume says, in one of his notes—"We observed in Discourse III. that money, when increasing, gives encouragement to industry during the interval betwixt the increase of money and rise of prices. A good effect of this nature may follow, too, from paper credit; but it is dangerous to precipitate matters at the risk of losing all by the failing of that credit, as must happen upon any violent shock on public affairs." In the text he tells us—"Tis only in our negotiations and transactions with foreigners that a greater stock of money is advantageous; and, as our paper then is absolutely insignificant, we feel by its means all the ill effects arising from a great abundance of money, without reaping any of the advantages." Hume's argument relates to the effects upon industry by the increase of the precious metals; but it is quite different from the position of the hon. baronet, who quoted him in favour of an increase of paper circulation.—Then, as to Dr. Adam Smith, I well recollect the beautiful and most happily illustrative metaphor applied by him to the subject: he tells us, that gold and silver may be compared to roads, which are productive of no profit, but circulate all the products of industry; the roads, not being cultivated, are sources of positive loss, but they are the means by which all property is transferred; and, with respect to paper circulation, he says it is like a waggon-road, if he might use so violent a figure, in the air, which enabled the owner of the soil to cultivate and convert into a source of profit even the otherwise barren roads. It is clear, however, that he was well aware of the evils of a paper currency; for he makes use, in one place, of this apposite expression: "It were better, perhaps, that no bank-notes should be issued,

in any part of the kingdom, of a smaller amount than £5;" and he goes on with a train of reasoning to show the dangers of a paper currency. In short, it is utterly impossible to quote Adam Smith as an authority for an unlimited issue of paper, without a basis in gold.

I have thus shown, I think, that the main supports of the hon. baronet, as far as regards the opinions of the illustrious men I have named, fail under him; and, if it were possible for them to go into this committee with me, I am sure I should have their votes for resisting the proposition they are supposed, by the hon. baronet, to advocate, and would refuse their sanction to the system he maintains. I must say therefore, that neither on the score of experience, nor of authority, do I think the hon. member for Callington, or the hon. baronet, has established such a case as ought to induce the House to recede from the position it took in 1826. I entreat the House to consider what we were told at that period—that if that act were passed (and it was passed by a majority, I think, of ten to one, for only eight ultimately divided against it), the mischief resulting from it would be immediate—that the country banks would reduce their circulation, and that the evil would not be deferred to 1829. Then let me ask, after we have undergone that suffering, which was inevitable, from the attempt to restore a metallic circulation—after having since 1822 issued from the Bank twenty-eight millions of gold, of which it is calculated twenty-two millions remain, with eight millions of silver—after having reduced the circulation of country bank-notes to two millions and a half, would it be wise to retrace our steps, and, by the commencement of a new enquiry, imply a doubt as to the soundness of our policy? If we do retrace our steps, do not let us suppose that the injury will be confined to two millions and a half of bank-notes: we shall never have an opportunity of considering the question under the same advantages as at present, and no confidence will hereafter be placed in your decisions, if we now attempt to unsettle a question which has been so long concluded. The country is now within sight of the goal which, in 1826, it was so anxious to reach: a little firmness, and another spring, will enable it to reach it; and I believe it can be attained, in the present state of the country, without any material addition to the existing pressure.

The House at length divided—For the amendment, 45; against it, 154; majority, 109. The motion of the Chancellor of the Exchequer was then agreed to.

## THE KING'S NAME—WINDSOR CASTLE.

JUNE 6, 1828.

In a Committee of Supply on the Miscellaneous Estimates, when a Resolution was moved, "That £80,000 be granted to defray the expenses of the alterations in Windsor Castle," Mr. Hume reprobated the system of extravagance which had long been in progress respecting Windsor Castle and the other royal palaces. In the course of his remarks, the hon. member was considered to have introduced the name of His Majesty too freely; on which,—

MR. SECRETARY PEEL said, that he could not hear what had fallen from the hon. member for Aberdeen, without entering his decided protest against the introduction of the name of the sovereign into the debates of that House. If the hon. member thought that a greater expense had been incurred than was justifiable, he ought to bring forward a charge against his majesty's confidential advisers. To introduce the name of the sovereign in discussions in that House, was contrary to the doctrine and practice of the constitution. The hon. member must know that the Crown could not incur any expense, except on the advice of its ministers. It was, therefore, most irregular and unconstitutional to introduce the name of the sovereign into the discussion. If introduced at all, it ought to have been introduced as the name of the patron of every liberal institution; the warm friend of the arts and sciences; the ardent and anxious supporter of the best interests of the country.

The resolution was agreed to.

## RELATIONS WITH PORTUGAL.

JUNE 9, 1828.

MR. SECRETARY PEEL, in reply to Mr. E. Davenport, regretted that the hon. gentleman had not confined himself to a mere statement of the questions which he intended to ask, instead of having introduced a mass of observations and comments. He would answer the hon. gentleman's three questions in a plain and distinct manner. In answer to the first question, as to the forts given up, he had to state, that before the arrival of Don Miguel it was determined by the British government—all fear of the invasion of Portugal having been removed—that the British troops should be withdrawn. And he begged to remind the House, that those troops were sent to Portugal, in fulfilment of an ancient treaty, for the purpose of preventing invasion. They were not sent to that country to support any form of government. The time had arrived when the apprehended danger was at an end, and those troops were, of course, withdrawn; and, as a necessary consequence of that step, the evacuation of these forts took place. He thought the hon. member must agree with him, that nothing could be more contrary to the principle on which that expedition was sent to the shores of Portugal, than to keep those troops there when all idea of invasion had ceased. The hon. gentleman then asked him, whether this government expected payment of the sum due from Portugal to Great Britain, on the condition of the forts being given up? In answer to that, he had only to say, that he should be sorry if England had set so bad an example before Europe as to keep those fortresses until payment of that debt were effected. The original condition remained in full force as to the payment of that debt. The sum due was not half a million of money; it amounted to about £160,000. For that sum this country had a right to prefer a claim; but he could not think that, under any circumstances, it would have been prudent for Great Britain to keep possession of those forts until that debt were liquidated. With respect to the third question,—namely, “What is the state of the relations at present subsisting between this country and Portugal?” he had to inform the hon. gentleman, that at this moment the political functions of the English ambassador at Lisbon were suspended. The instructions which had been sent to the British ambassador were, he conceived, sufficiently manifested by this fact. As some allusion had been made by the hon. gentleman with respect to the education of Don Miguel at Vienna, he wished to state, that the ambassador of Austria at Lisbon had acted entirely in concurrence with the sentiments of the English government. He believed that the course taken by the Court of Austria, and by the Austrian ambassador, was precisely the same as that pursued by the British Court. The hon. gentleman had made a most serious charge against an individual who had not an opportunity to defend himself. Now he must say, that when hon. gentlemen preferred accusations of that kind against any person, whatever his rank or situation, they ought to weigh with scrupulous exactness the evidence on which charges of so grave a nature were founded. No gentleman ought lightly to make a charge of murder in the British senate, when the person thus assailed had no opportunity of defending himself.

After Sir J. Mackintosh had spoken, Mr. Peel said, he wished to repair an accidental omission. Of course he could know nothing of the supposed letters; he could not say whether such letters were or were not written; but this he could state most explicitly, that no individual had any authority to speak the opinion of the British government except the British ambassador. He would add further, that if any person supposed that government viewed the conduct lately pursued in Portugal with any feelings other than those manifested by the suspension of the British ambassador's functions, he entirely misconceived what was felt by the government generally, and by every individual of which it was composed.

## BANK NOTES (SCOTLAND AND IRELAND) BILL.

JUNE 16, 1828.

In the debate on the order of the day, for the House to go into a Committee on this Bill, Mr. Banks having just sat down,—

MR. SECRETARY PEEL said, that of all the arguments which he had heard on this subject, that just delivered by his hon. friend was, without disrespect to him, the most ridiculous. He admitted that our currency was never in a more prosperous state; and he urged that as a reason for continuing the paper currency, by a gradual departure from which he must have seen that the prosperity to which he adverted was produced. He would not increase the small-paper circulation, nor diminish it, but let it go on at its present amount *ad infinitum*: and to whom would he give this privilege? To the issuers of the notes already out; as if they also were to be perpetual. Not to those who had prepared for the change, but to those who kept the largest amount of their notes in circulation. These, now and for ever, were to have the privilege of giving a new one-pound note to those who held their present paper. The arguments used by other hon. members might be dangerous; but this was perfectly absurd. He thought the present measure would in time produce a gold circulation within the Scottish border; and the result would be, that the bankers would have to provide gold for such of their notes as found their way into England. He looked forward to a period when the paper system of Scotland might be made to undergo a change similar to that of England. He considered it most expedient to establish the currency of England on the secure basis of a metallic circulation, before they applied the same principle to Scotland.—An hon. member had held, that, provided banks were solvent, it mattered not what quantity of notes they issued. That position was rotten at its basis. He wished to allow banking companies to issue notes on the security of freehold property. Now, that would not be a sufficient security; for under it there might be a constant depreciation of the currency, creating a correspondent fluctuation and uncertainty in the value of property; and the only check would be a panic, which it was the tendency of an unstable banking system to produce. The very circumstance of the bankers knowing that they had sufficient security in land, or in the funds, would induce them to issue paper to an unlimited extent; but the country would no more endure the constant application of a stimulus than the human body. The time would come when a want of confidence would arise, that would create a demand for gold; and the parties who had issued large quantities of paper, would find themselves unable to meet their engagements, although they might be perfectly solvent. In such a case, therefore, the mere fact of solvency would be of little value.—The hon. alderman had offered a proposition of rather a startling nature; namely, that no person should be allowed to carry on the business of banking unless he had received a certificate from the Board of Trade. Much was said about interfering with the free agency of commercial men; but it was a less violent act of interference to adopt a measure preventing the issue of all notes below the value of £5, than to resort to the plan of the hon. member for London. The hon. member for Aberdeen said, “If you trust bankers with the power of issuing £5 notes, why not allow them to issue £1 notes?” It was necessary to place a limit somewhere. If bankers were allowed to issue one-pound notes, it might then be asked, why were they not permitted to issue notes for nineteen shillings, or even for five shillings or one shilling? With regard to the practicability of introducing a silver jointly with a gold standard, he did not think that question was to be disposed of so easily as some members seemed to imagine. The proposition, however, ought not to be rejected without serious consideration. He considered any measure which tended to disturb the present currency objectionable. Gold was the standard of value, and the only legal tender in large sums; silver was only a legal tender in small sums; and experience had proved, that that application of the two metals had worked well. If silver were made a legal tender in large sums, creditors must, with the present seignorage, suffer a serious loss. In conclusion, it was his opinion, that the resumption of a gold currency could be effected at the present moment with less pressure on the country than at any future period. If, now that the paper circulation was reduced to £3,500,000, in the face of all the considerations which recommended an adherence to the original resolution

of the House, they should depart from that decision, he should despair of ever seeing the resumption of a gold currency in this country. If the House should exhibit any vacillation, he should make up his mind to this—that hereafter all persons might issue paper to any amount, convertible into gold legally, but not practically.

### SMALL DEBTS BILL.

JUNE 23, 1828.

(On the order of the day for the second reading of this bill,—

MR. SECRETARY PEEL observed, that since his return to office no subject had occupied so much of his attention as this bill. Until lately he had hoped to be able to pass the bill into a law during the present session. That hope had now vanished;—but it was satisfactory to know, that the difficulties which opposed the passing of it were not connected with the principle of the measure. He would briefly state the circumstances which induced him not to attempt to pass the bill during the present session. If the bill were to pass, it must contain a clause for affording compensation to those holders of patent offices whose interests might be affected by it.—Nothing could be more disadvantageous to the public than those partial compensations. Bills of this nature, whilst they diminished the emoluments of some patent offices, increased those of others. Then, when the latter came to be dealt with, the public were obliged to make compensation for the increased emoluments occasioned by previous reforms. Since the bill was introduced into the House, a commission had been appointed to enquire into the practice in the superior courts of law.—It was probable that the commission would suggest some plan for dealing with the patent offices generally. At all events, he was disposed to wait until he could ascertain the intentions of the commissioners on that point. He thought it would be much more advantageous to consider the claims of the holders of patent offices altogether, than to go on making compensation by instalments. It was with great regret he saw that all the pains he had bestowed on the bill would be unavailing, so far as regarded the present session; but he felt that he should be acting for the interests of the public to abandon the measure for the present.

The bill was read a second time, and ordered to be committed.

### MISAPPROPRIATION OF PUBLIC MONEY.

JUNE 23, 1828.

Mr. M. A. Taylor, pursuant to notice, and after enlarging on the subject, moved, “That it appears from the papers laid upon the table of this House, that the commissioners of liquidation, arbitration, and deposit for the liquidation of the claims of British subjects, against the government of France, under the act of the 59th of George III., cap. 31, did at different times, by orders from the lords commissioners of the Treasury, pay over to the commissioners of Woods and Forests the following sums of money, that is to say, £100,000 on the 10th of March, 1826; £35,000 on the 8th February, 1827; £100,000 on the 26th March, 1827; £15,000 on the 30th June, 1827; amounting altogether to the sum of £250,000, without any communication to this House, and without any vote or address of this House to authorize the same, though parliament was sitting at the time the said different sums were issued.

“Resolved,—That the application of any sum of unappropriated money, or surpluses of funds, to uses not voted or addressed for by parliament, is a misapplication of the public money, and a violation of the privileges of this House.”

In the course of the debate which followed,—

MR. SECRETARY PEEL said, he wished, laying aside all technicalities, to come to the enquiry, whether the transaction alluded to were an abuse of such a nature as to call for the public censure of two individuals who were no longer in a condition to defend themselves; and he believed that upon such an inquiry, so conducted, their conduct would appear to be perfectly innocent in granting the warrants for the

application of the money, which they never thought could involve them in any charge of illegal or unconstitutional conduct. He could undertake to show, that the course which they had adopted was warranted by act of parliament, and that, if any blame attached to them, it also attached to that House. The main question was, whether they had a legal power to do as they had done, or whether, having that power, it was still, though legal, so unconstitutional in its nature and bearing as to require to be marked by the displeasure of that House. He could not disconnect that transaction from the period of the treaty of Paris, and he only wished that those who opposed the measure so much, would refer to the debates of 1816. There they would find that, in consequence of the triumphant issue of the war, this country had become possessed of three different sums of money from France. The first was £700,000 in the nature of booty; the second was a still larger sum, to indemnify this country for the expenses of the war; and the third was money granted for nearly the same purpose. Yet, out of these sums, money was applied to pay the army in France, without any act of parliament to justify the application. The first sum, it was true, had been considered in the nature of booty, and upon that ground the application was defended. The second sum, which amounted to one million, was appropriated to reward the British army. How, then, could he, with these facts before his eyes, agree to the resolution of the hon. gentleman, which declared such acts to be not only illegal, but contrary to the practice of parliament? In the debates which had taken place at that period, the eminent member for Knarborough had moved a resolution, stating that the application of such sums had a tendency to impair the rights of that House. The attention of the House had thus been called to the subject, but how was the motion disposed of? The previous question was moved upon it, and carried without a division. Was it fair, after that, for the House to turn round upon its own decision and say, that there was enough in the present case to justify them in passing a vote of censure? He would show, that the Crown had not applied the money without the consent of parliament. The third fund was, he would admit, of a special description: it was to liquidate the claims incurred by the losses of individuals. But, before they consented to pass a censure upon the two individuals to whom he had alluded, and upon a noble lord since called to the other House, he would ask them well to weigh the terms of the act of parliament. Comparing the money to which the question referred with the other funds derived from France, he believed, in his conscience, that it was intended to be left at the disposal of the Treasury. The disposal of a sum of £400,000 obtained from the East India Company was conducted in the same spirit. It was ordered to be paid into the Exchequer, in order to be disposed of by parliament. Was not this distinction, then, plainly admitted by this act? And was it not possible, that honest and well-intentioned ministers might think of applying the money in question, without considering that they had committed themselves in any unconstitutional proceeding? Never, until a doubt could be entertained as to the purity of their motives, would he become a party to any measure which would fix a stigma upon their names. He would admit that, if the transaction were to be done over again, it would be worth the while of parliament to see that it should not be repeated. But while he admitted that, could he agree to such a resolution as the present, without any consideration of the motives of the men, without any reference to their characters, and without any allowance for the hurry of business and the perplexity of state affairs? He had no objection, far from it, to take a security for the future. But the real question was, what was the motive, what the intention, upon which they had acted? They knew that a triennial report of the Woods and Forests would be made, and that, in that report, the application of the sum would appear. He had no objection that the triennial report should be changed to a yearly report. It would give a security against the appropriation of any sums without the knowledge of parliament. But, while he might be inclined to be of that opinion, was he, if in the finance committee he had admitted that the transaction was inadvertent or negligent, when he came within the walls of that House to be reminded of that admission, and to be told, that he was therefore bound to vote for the censure proposed by the hon. gentleman? He would not, under such circumstances, concur in a censure on men removed from all connection with public affairs, and who could not explain the motives by which they had been actuated. He was quite



ready to allow, if an imperative duty called upon the House to visit any public conduct with censure, that then no consideration of the death of one party, or of the calamity which afflicted the other, ought to interfere with the rigid performance of that duty. The death of the one, or the affliction of the other, would not, in such a case, be the shield with which he should seek to defend them. What he maintained was, that the present was not a case for censure. But even if he were of a contrary opinion, he never should perform any public duty with feelings of so much pain, as those with which he should censure a lamented individual, whose principles and talents had been so unequivocally recognised in that very session, or approach with any other feeling than deep respect—he had almost said the memory of a noble lord, who, in the event of a rigid sense of public duty demanding a parliamentary censure on his conduct, might, at a moment when his calamity pressed upon him with less urgency, wake to the consciousness, that the only notice which that House had taken of his long course of eminent public services was to censure him, because, having erroneously read the 31st chapter of the 59th Geo. III., he had applied £250,000 to a public service under that erroneous interpretation. He repeated, that he should never perform any public duty so reluctantly as to agree to such a censure on Lord Liverpool, if that were to be the only notice which the House of Commons were to take of that noble lord's public conduct.

The House at length divided; for the motion, 102; for the previous question, 181; majority against Mr. M. A. Taylor's motion, 79.

## EMIGRATION.

JUNE 24, 1828.

Mr. Willmot Horton, pursuant to notice, moved—"That this House will, early in the next session of parliament, take into consideration the expediency of adopting such measures, whether of Emigration upon an extended scale, or otherwise, as may appear to be most calculated to relieve the pauperism of Ireland, and to prevent the injurious effects arising therefrom upon the condition of the labouring classes of this country."

In the ensuing debate,—

MR. SECRETARY PEEL said, that no one could be less disposed than he was, to underrate the importance of this subject, or the ability with which his right hon. friend had introduced it to the House, or the zeal with which he had persevered in it, under all the discouragements which had been thrown in his way. At the same time, he thought that his right hon. friend had submitted his present proposition to the House, more with a view of producing a discussion than of taking the sense of the House upon it; because, independently of the substantial objections which existed against his right hon. friend's resolution, there were objections in point of parliamentary form which he considered to be unanswerable. There might be circumstances in which, with a view to allay prejudice or to remove irritation, it might be desirable for the House to pledge itself to the course which it would pursue in the next session; but such a proceeding could only be justified under particular circumstances of necessity, and therefore ought to be resorted to with caution and forbearance. His right hon. friend proposed, that the House should pledge itself to take into consideration, early next session, the propriety of adopting certain measures of emigration. Now, he should have objected to such a proposition had the measures to be adopted been definitely described; still more must he object to it, when those measures were vaguely and indefinitely mentioned. Let distinct measures be proposed to parliament, let enquiries be made into their details, and then the House would see what it ought to do; but how it could lead to any advantageous result for the House to pronounce a pledge that it would do something in the next session, without stating what, he could not possibly imagine. He therefore trusted that his right hon. friend would not call upon them to give an opinion unfavourable to his resolution, either by voting against it, or by voting in favour of the previous question. The case really was not justified by that strong and urgent necessity, which alone ought to induce the House to enter into a pledge as to its future conduct.—Having said this

much, he would now candidly confess, that to emigration he attached considerable importance, in one point of view. He was not so sanguine as his right hon. friend as to the immediate benefits which it would produce. When his right hon. friend told him, that by an advance of £1,140,000—an advance which would entail on the country a permanent charge of £57,000 a year—only nineteen thousand families could be removed, he was obliged to confess that, in his opinion, the removal of nineteen thousand families from the three branches of the United Kingdom, would not produce any sensible relief to the country from its present pressure of pauperism and distress. Still he was of opinion, that emigration, if it were conducted without too great an outlay of the public funds, would be productive of great ultimate benefit to the lower classes. It was his opinion, that to the colonies themselves a system of emigration would be of immediate advantage. An hon. member had told the House, that the colony to which the tide of emigration was flowing was a colony that produced nothing but a few skins and some wretched corn. Now, to that observation he would reply, that in its immediate neighbourhood a vast empire, which owed its origin to this country, had risen, within the memory of man, to great and singular prosperity; and that if he could introduce a flourishing population into Canada, there was nothing in its situation or climate to prevent its attaining, in course of time, equal power and equal prosperity. He should think, that if he could introduce into that colony a strong and vigorous population, speaking the English language, actuated by English feelings and habits, and creating a demand for English manufactures, he should have conferred a benefit upon the colony itself, and also upon the mother country. He was not insensible to the advantages which we derived from colonial strength and colonial importance; and he would not believe that the only return which Canada could make to us for the population which we bestowed upon her, would be the importation of a few bad skins and a little worse corn. He could not, however, consent to the policy of laying out large sums of public money to encourage emigration. It was always easy to talk of making large advances out of the public funds; but gentlemen ought not to forget, that in making those large advances from the public, they were abstracting a large portion of productive capital from the hands of private individuals. The question, therefore, was simply this—whether it were better to let the productive capital remain where it now was, or to transfer it for contingent advantages to another quarter? He had no objection to giving every reasonable facility to emigration; but such facility should be of a local nature. He could see no check whatever to the expectations which would be excited, supposing the government were to say that it had £5,000,000 at its disposal to promote emigration. If such an annunciation were to produce an impression among the landlords, that they must eject their tenants from their farms to obtain relief from the proposed system of emigration, he knew that the landlords would find themselves disappointed in their ideas; but he did not know what intermediate evil might arise before they found out their disappointment.—It was a great mistake to suppose, that the project of his right hon. friend was a project of forced emigration. His right hon. friend did not seek to compel any man to quit his country against his will: he only wished to give him facilities, if he were voluntarily inclined to try his fortune in another country. Now, if the landlord who wished to lay the foundation of the future improvement of his estate, and if the tenant who had a claim on his landlord for assistance, and who wished to try his fortune elsewhere, would assist each other in pursuing a system of emigration, something effectual might be done for the country by encouraging emigration. If any magnificent scheme of emigration were proposed, they ought to apply themselves, in the first instance, to trying it on a small scale as an experiment. He saw many difficulties in the practical consideration of this question. In what mode, for instance, the Irish pauper was to be selected for emigration; how far it was fair to call upon the people of England, who had to pay their own poor-rates, to defray the expenditure for relieving the Irish landlords from theirs; and likewise how it was possible to provide that check upon the desire for emigration which must always operate, while pecuniary encouragement was held out, and which was necessarily calculated to unsettle the improvement of things at home, and keep the population wildly absorbed in the contemplation of constant change. He admitted that England was in this respect differently situated from Ireland, from her system of poor-rates being so arranged, as to afford facilities for the repayment of the

necessary advances. Still, though he was not disinclined to the principle, he must see his way previously through all the complicated details upon which must mainly depend the success of such an undertaking. Against affording new facilities for mortgaging the poor-rates, there must naturally arise a variety of objections. The best limit, at present, to their undue extension was, that the pressure of the screw was immediately felt; but if they once allowed the present generation to cast the burthen upon their successors, they would introduce a sort of funded system into the poor-rates, the evils of which it would be difficult to avert. How, too, were the landlords to be protected against the votes of the tenants at vestries, who had the immediate power of imposing this mortgage, and who had likewise all the inducements to throw the burthen from their shoulders *in futuro* upon the land? A fixed plan of emigration assumed that the pauper's necessities required a permanent change, which was not the fact; for his condition was dependent upon the fluctuation of labour. He did not decide against the principle of the proposed measure; he only desired caution and deliberation in the consideration of the details, before any final arrangement should be held out to the country. They ought to bear in mind, that the committee of the year before last recommended, by a special report, an advance of £50,000 for the emigration of the poor of Scotland; yet a change speedily took place in the demand for labour, and this report was never acted upon, there being no claimants for the benefit of it at the time when it might have been brought into action. He hoped to see a similar improvement produce the same results elsewhere. He had not adverted to the natural and just facilities which the government might give to volunteer emigrants; he meant of that class whose own means were sufficient to hold out a prospect of their forming a nucleus for a labouring population in the colonies. And here he thought it would be highly advantageous for his valuable friend Colonel Cockburn to prosecute his enquiries in North America for the Colonial-office; so that persons desirous of embarking adequate capital, should have some place to which they could resort for *bona fide* information respecting the qualities and general condition of the land where they might wish to settle. And upon this point any expense of a moderate nature to which the country might be put, would be ultimately compensated out of the sale of reserved lands. In looking at this subject of emigration, he did not contemplate the acquisition of any immediate relief to the community; but he thought, if prudently regulated, it might be rendered subservient to the attainment of eventual benefit. He held in as great scorn as his right hon. friend, those ignorant efforts that had been made to raise an outcry against his plans by persons who had not taken the trouble to read the report, or the evidence on which it was founded. He hoped his right hon. friend would not press his motion to a division.

Mr. Wilmot Horton shortly replied, and consented to withdraw his motion.

## EAST RETFORD DISFRANCHISEMENT BILL.

JUNE 27, 1828.

On Mr. N. Calvert's motion "That this bill be recommitted," Mr. Tennyson, desirous to postpone the measure till next session, moved "That this report be taken into consideration on this day three months." Mr. Stewart seconded the amendment; on which,—

MR. SECRETARY PEEL said, he was confident he had fully satisfied the House that he had not given the slightest indication of the course which he intended to pursue, in the event of one franchise only being placed at their disposal. He had acted on the case of Penryn, as on a good case, and never contemplated that the bill would have been thrown out in another place. The details into which he had entered on former occasions were sufficient to show, if his declaration were not sufficient, that it was impossible for him to have contemplated that the case now before them would arise. As to the charge that he was influenced by any party or personal considerations, and particularly as to the charge of his wishing to increase the influence of the aristocracy, he could only give a general and flat denial. He had no knowledge of the hundred. He did not give his vote with the view of supporting, either directly or indirectly, any persons or any parties. He

had before stated, and he was ready to repeat it—that, supposing there were only one borough to dispose of, it did not appear to him that there was any reason for the consideration of it being made a government measure. He did not think that the franchise ought to be continued to East Retford. The delinquency of the borough was so great, that he was satisfied the franchise ought not to remain there. The question, then, was simply this—what course ought to be pursued? One hon. gentleman says the franchise ought to be transferred to Birmingham; the noble lord asked it for Yorkshire; and his hon. friend wished it to be extended to the hundred of Bassetlaw. Now, he admitted that two of the grounds on which he had preferred the hundred to Birmingham would apply to the proposition of the noble lord. If the agricultural interest were to be considered, that would be as well done by transferring the franchise to one of the Ridings of Yorkshire, as to the hundred of Bassetlaw. He also admitted that they were under no obligation to consult the interest of East Retford at all. If the Lords had extended the franchise of Pearyn to the hundred, he should have voted that the other franchise should be transferred to a town. East Retford had no claim at all upon them. At the same time, however, it would be an advantage if, while they punished the delinquents, they could also attend to the interests of those who had been guilty of no corruption. He looked upon a franchise as a great public trust, held for the benefit of the people, who had the power of withdrawing it if they found that those to whom it had been committed had violated that trust. He had also said, that there were cases in which it was sometimes necessary that the innocent should be included in the punishment of the guilty. This was the case in corporate bodies, where the minority must abide by the act of the majority. There was, however, one ground to which the noble lord had not adverted—the noble lord had not taken the county of Nottingham into consideration. Now, he was unwilling that the proportion of the representatives of the counties should be disturbed without good cause. He had rested a part of his argument, on a former occasion, on the fact, that the county of Cornwall returned forty-four members, while that of Nottingham returned only eight. That part of his argument had been found great fault with; but he had never heard the case of a Cornish borough brought forward in that House, without the fact of Cornwall returning forty-four members being strongly insisted upon. In the case of Grampound, the noble lord had relied greatly on this fact, and had argued, that there could be no injustice in depriving Cornwall of two of its members. He knew the danger of this argument if carried to an extreme: yet it must be seen that there was more justice in taking two members out of forty-four, than in taking two members out of eight. Now, seeing that the county of Nottingham returned only eight members, and that the proposal now made would reduce that number to six; seeing that the hundred of Bassetlaw contained thirty-five thousand inhabitants, and included several large market-towns which were unrepresented, and were under the influence of the aristocracy; he could conceive no reason for departing in this case from the rule which, the case of Grampound alone excepted, had invariably been followed. With the exception of Grampound, the franchise of delinquent boroughs had always been extended to the hundreds. When the franchise of Shoreham was extended to the rape of Bamber, Lord Chatham said, he was glad that Shoreham had been taken away from India and restored to Sussex; meaning, that he was glad that East-Indian interest in the borough had been destroyed. Mr. Fox, also, so far from recognising the principle of transferring the franchise to a large town, was of opinion that the rights of the minority ought to be respected; and upon that ground he condemned the proceedings in the cases of Shoreham, Cricklade, and Aylesbury. In the case of Stockbridge, Mr. Fox thought that the delinquents ought not to be mixed up with the innocent. He saw no reason why the bill should not now be made as perfect as it could be; and though it might not pass into a law this session, his hon. friend would have an opportunity of introducing it to the notice of the House early in the next. He should be sorry to see East Retford restored to its original state, and trusted that the House would never agree that a writ should be issued for two new members to serve in parliament for that borough.

On a division, the motion for the recommitment was carried, by 97 against 42; Majority 55.

## AFFAIRS OF PORTUGAL.

JUNE 30, 1828.

On the order of the day for going into a Committee of Supply,—

MR. SECRETARY PEEL, in reply to Sir J. Mackintosh, said that he would endeavour to avoid any expression which could be construed to be inconsistent with his former declaration, that the highest disapprobation was felt by his majesty's government at the course which had been pursued by Don Miguel. He must however, contend, that it was the policy of this country, in cases of this nature, not to seek out for exceptions to the great general principles, but to observe that course of conduct which we wished to be observed with respect to us under similar circumstances, and that course, too, which was consistent with the doctrines which must be held as governing the practice under international law. It might be very unfortunate that certain inferences should be drawn from particular expressions. It might be, that the Portuguese multitude were so ignorant as to be liable to draw those inferences. It might be, that a correspondence had existed which had led to false expectations; but it was the duty of the English government, in determining the course they should pursue, with respect to the notification of an effective blockade, to put all such extrinsic circumstances out of view. Now, with respect to the correspondence to which the right hon. gentleman had alluded—before the notification to British merchants of the existence of the blockade, he, as the organ of the government in that House, had expressly declared, that Lord Beresford, in whatever he had written, had no authority whatever to express the sentiments of any confidential adviser of the Crown. But when the right hon. gentleman put a construction upon the correspondence of Lord Beresford, he begged the House to have some regard for the declaration of his lordship himself, and not to adopt the construction which was made by parties interested in making it unfavourable. Lord Beresford had not only stated in his correspondence that he was not authorized to speak the sentiments of any minister of the Crown, but had expressly abstained from giving any countenance to any attempt to overturn the constitution in Portugal. Then, as to the fear of any misconstruction of the real sentiments of the British government arising from the terms made use of in the notification of the blockade, he thought he had distinctly declared their total disapprobation of the course pursued by Don Miguel. If the expressions of ministers were not sufficient, was not the formal suspension of the functions of our ambassador satisfactory evidence on that head? Even if the expressions were incautious, in which it had been notified to British merchants, that an effective blockade existed, could that countervail the moral force of the declarations previously made, of the disposition of the British ministry? The right hon. gentleman did not find fault with the notification of the blockade. He admitted it to be very possible, that there might have been no other course open to government; but he quarrelled with the particular expressions in which that notification was made. The right hon. gentleman had, indeed, intimated that another course would have been more agreeable to his feelings; though he doubted whether it would have been more consistent with the advice which the right hon. gentleman would have given to the Crown, if he had been called on to do so. He could not help thinking, that the course recommended by the right hon. gentleman would be much less prudent than that which had been pursued. The right hon. gentleman advised the observance of perfect neutrality; and that we should publicly notify, that we would respect the blockades of neither party, considering them to be utterly inconsistent with the rights of British merchants. That, in fact, would be a declaration of war against both parties. If the principles advanced by the right hon. gentleman were to govern the country, we should soon be involved in wars in every corner of the globe. The right hon. gentleman wished, that the term "blockade" had not been made use of; but that it had been merely intimated, that the port of Oporto had been placed under interdiction. He did not know what other term could be used to describe an effective blockade. It was the term always used, but the right hon. gentleman said that it implied the recognition of a legitimate and perfect authority [No, from Sir J. Mackintosh]. He had taken down the words, and could not be mistaken. If the right hon. gentleman admitted that to be the fact, it was impossible to draw any unfavourable inference from the use of that term with respect to Oporto. There

was no legitimate, recognised authority in Greece when the persons exercising the powers of government there declared Napoli di Romania to be in a state of blockade. The British government, although we had no established relations with the persons exercising the government in Greece, recognised that blockade. Sir F. Adam told the British merchants, that if they violated the blockade they could make no claim for restitution or compensation. Again, the persons exercising the powers of government in Chili in 1819, with a most inadequate force, determined on a blockade of about 500 leagues of coast. The fact was never notified to us, but arrived, he believed, through the channel of the newspapers; nevertheless, government thought it their duty, in fairness to British merchants, to notify the existence of the blockade.—They did not, however, notify that the blockade was effective, because it was admitted not to be effective. If the blockade had been confined to the port of Callao, instead of extending over five hundred leagues of the western coast of South America, it would have been respected as an effective blockade. If, then, the term which had always been used, were employed in notifying the blockade of Oporto, how could it be contended that an unfavourable use could be made of the circumstance. He was therefore warranted in saying, that there was nothing in the objection of the right hon. gentleman, with respect to the use of the term "blockade." The right hon. gentleman then said, that we ought not to have stated that the blockade had been instituted by the Prince Regent of Portugal. But before the British government could resolve on disclaiming the designation usually applied to a person exercising the powers of government, it would be necessary to take into consideration a variety of circumstances. At the time when intelligence of the blockade arrived in England, the functions of our ambassador were suspended, it was true; but he had not then, nor up to the present moment, been withdrawn. The British consul also remained. We had marked our disapproval of the conduct which Don Miguel had pursued, and the suspicion which we entertained of his intentions; but as yet no step had been taken by the British government, tantamount to a declaration that executive authority in Lisbon was dissolved. It was not for him to say when the period would arrive which would warrant the making of such a declaration; he would only state, that it had not been made when the intelligence was received of the blockade of Oporto. In consistency with the course which the government of this country was pursuing, they were bound to give Don Miguel the title by which alone we had recognised him;—namely, that of Prince Regent of Portugal. What remonstrances the British government had made against the course which Don Miguel was pursuing—what hopes might have been entertained of the effect which those remonstrances, combined with the almost unanimous voice of Europe, would produce on the mind of the young prince, to induce him to abandon his criminal intentions, it was unnecessary then to state; but he thought that those who viewed the subject dispassionately, would admit, that it was not for a foreign government, even with reference to those most improper acts; namely, the presentation of addresses in which Don Miguel was requested to assume the title of king—to declare that the government in Portugal was dissolved, by denying the title which had been delegated by the sovereign of that kingdom. The more prudent course was to try, in the first instance, the effect of the strong remonstrances which had been made on our part, and the combined remonstrances which had been made on the part of the other great powers, rather than to declare that all our relations were broken off; which would be tantamount to a declaration that authority was at an end in Portugal. All our ministers were still in Portugal. Our consuls were in communication with the officers of the government acting under the authority of Don Miguel. In conclusion, he denied, not only that any thing had been done by the British government which was calculated to imply the slightest approbation of the course pursued by Don Miguel, or inconsistent with the previous declarations made by the government, of their total and unqualified disapproval of that course of conduct.

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## SUPPLY OF WATER TO THE METROPOLIS.

JULY 1, 1828.

Sir Francis Burdett moved, "That a Committee be appointed to take into Consideration the Report of the Commissioners appointed by his Majesty to enquire into the present System of supplying Water to the Metropolis, and to state if any, and what Remedies can be applied, to the many and great Grievances alleged to exist in the System."

MR. SECRETARY PEEL said, he considered the great importance of the subject, as connected with the comfort, the feelings, and even the health, of the inhabitants of this metropolis. It was undoubtedly fit that the House should take cognizance of the manner in which the companies discharged the obligations they had taken on themselves under the authority of Parliament. He was not opposed to an enquiry being instituted for that purpose; but there was one point of the hon. baronet's speech from which he totally dissented.—He had said, that the remedy lay with government, and that it was for them to meet the complaints of the public. Had the hon. baronet reflected on the expense which would be incurred by a compliance with his suggestion? In resisting the hon. baronet's proposal, he was aware it might appear that he was undervaluing the importance of the question; but it ought to be remembered that lighting the city was a subject of importance, as it tended to diminish crime; that security against fire was no less important; and yet those matters were left entirely to private enterprise. Roads, bridges, and the supply of markets, all of which were of consequence to the public, were not directly interfered with by government;—and by a parity of reasoning he was convinced that it ought not to interpose in the present instance. The expense was, in itself, a material objection; and he had no doubt but the supply would be ultimately less satisfactory, should the home department be obliged to undertake its superintendence. The construction of aqueducts would cost millions of money, and should not be lightly undertaken, especially as he considered that the unwholesomeness of the water was, in a measure, imaginary. The hon. baronet had said, that he could procure a plan by which salubrious water from a high point of the river could be supplied to the metropolis. If such a plan could be effected, individuals would be found ready to undertake it, if it were likely to turn out a profitable speculation. The commission appointed by his predecessor was for the purpose of reporting on the supply of water to the metropolis—on its quantity and its quality. The commission had sat nearly six months, and had cost £800; when he found it necessary to give them a hint, that it was time to give in the result of their analysis of the various descriptions of water, respecting which they were instructed to enquire. But it was never intended, by the appointment of this commission, that government should take upon itself the business of supplying water to the metropolis. The taking of surveys had been recommended; but before government sanctioned such a measure, an estimate of the expense should be furnished. Since the publication of the Report, a communication had been made to him from the Grand Junction Company, stating that they had it in contemplation to purchase 500 acres near Barnes, and that they proposed to convey water from Barnes; or, if that were not high enough, they proposed even to bring it from Richmond or Teddington. As to the proposed enquiry, he was anxious even to go farther than the hon. baronet; he consented to the appointment with not merely a restricted, but with full powers. If the hon. baronet wished to lay the commencement of such an enquiry in the present session, he would not oppose it; but as the hon. baronet did not bring forward the subject at an earlier period of the session, he would suggest, that the enquiry might be more effective if it were postponed until the next session. If then, on investigation it should appear, that water was supplied from impure sources; if bills were introduced late in the session, under titles which gave no correct notion of the enactments; if exorbitant rates were levied; these were abuses which should be corrected. He had now given his advice to the hon. baronet: he trusted he had satisfied him that he was sensible of the importance of the subject, and he would leave him to pursue whatever course he might think proper.

Sir Francis Burdett, after some brief remarks from Mr. Hobhouse, and Mr. Warburton, said he would move, in lieu of his former motion, "That a Select Committee be appointed to enquire into the present system of supplying Water to the Metropolis, including the Borough of Southwark; and into the amount of the rates paid by the inhabitants."—Agreed to.

## UNION WITH IRELAND.—CONDUCT OF THE ROMAN CATHOLICS.

JULY 3, 1828.

Mr. Maurice Fitzgerald, pursuant to notice, moved for "Copies or Extracts of all Correspondence between the British and Irish Governments on the conduct of the Roman Catholics, and of Communications with them at the period of the Union."

MR. SECRETARY PEEL said, he should confine himself strictly to the question before the House; namely, whether the high official persons alluded to had given such a pledge to support the claims of the Catholics as must bind their successors to the adoption of the line of conduct to which they had so pledged themselves.—He should not deny that Mr. Pitt had been all along favourable to the claims of the Roman Catholics, but only with the proviso that such securities should be given, as would render the admission of their claims secure in the eyes of their Protestant fellow-citizens. It was clear that Mr. Pitt thought the admission of the Catholic claims would greatly tend to settle the Union, and facilitate the measures of government in that country. The question was, whether Mr. Pitt, or those in the administration of affairs under him, had given that sort of pledge which amounted to an understanding, that in the event of the Union with Ireland being carried, the claims of the Catholics to political power should be conceded. He would broadly deny that such a pledge had ever been given. And this he would do on the strength of documents which were accessible to all. The right hon. gentleman had alluded to the assurances of Mr. Pitt, Lord Cornwallis, and Lord Castlereagh, on whom he placed, it seemed, great reliance. It was clear that both the former were favourable to Catholic emancipation. In consequence of being thwarted in this instance, Mr. Pitt evinced his sincerity by resigning. Of the then Viceroy of Ireland, the Marquis Cornwallis, he had never ceased to admire the integrity, simplicity, and manliness of that nobleman, throughout this and other parts of his patriotic career. As to the conduct or professions of that nobleman, he would deny that he had ever been instrumental in creating the impression that such a pledge had been given by the members of the English or Irish governments. No persons could possibly give better authority or evidence on the subject than those who were the prominent political parties in the arrangement. Would it not be fair to infer, that had Mr. Pitt so far pledged himself to the Catholic body, he would, in his letter to the king in 1801, previously to his resignation, avowedly because he would not bring forward the question of emancipation with the authority of government, have said, "I feel obliged to resign my place in your Majesty's council, because the obligations of good faith will, in my opinion, be violated unless the question be conceded." No such sentiment, however, escaped from him in that letter. Shortly after the Union Mr. Pitt retired from office; and in doing so, it was impossible to deny that he gave a conclusive proof of the value which he set upon the settlement of the Catholic question. In 1805, Mr. Pitt returned to office, and in that year the Catholic question was again discussed. He would beg the House to attend to the speeches which were delivered on that occasion, one of which he should never forget, for he happened to have heard it.—He never heard a speech which made a greater impression on his mind, than that delivered by Mr. Fox during that debate. Both Mr. Fox and Mr. Grattan were intimately acquainted with all the arrangements which preceded and accompanied the Union. But did Mr. Grattan, in the debate of 1805, charge Mr. Pitt with a breach of faith, in returning to office without having settled the Catholic question? If pledges had been given, would he not have called on Mr. Pitt to fulfil those pledges? But what were the expressions of Mr. Pitt himself in 1805? They showed simply that he was still favour-



able to the question; but they demonstrated that he never gave any pledge.—The right hon. gentleman then read an extract from Mr. Pitt's speech in 1805, where he said that he had been against the Catholic question before the Union, but that after that measure had been completed, he was in favour of the question; but he denied that he had given any distinct pledge to the Catholics that their question should be carried; but he admitted stating that the justice and policy of making concessions were more likely to be made apparent in a parliament of the United Kingdom, than in that of Ireland. "I come, then," concluded Mr. Pitt, "to the discussion of this question perfectly free and unfettered." Such was the language of Mr. Pitt in 1805. If, then, he placed with the right hon. gentleman confidence in the character of Mr. Pitt for sincerity, he could not but deny the assertion, that Mr. Pitt ever gave pledges on this question. Again, the language of Mr. Fox on the same occasion was material. "I have been told," said Mr. Fox, "that no promise was made to the Catholics, and I believe it; for no minister could pledge himself to do that which parliament alone could effect."—He now came to an individual who was placed in as delicate and trying a situation as Mr. Pitt—he meant Lord Cornwallis.—The right hon. gentleman had said, he admitted that Lord Cornwallis and Mr. Pitt could not enter into any open discussion of the question with the Irish parliament; for being a parliament so entirely Protestant, it was impossible not to see, that if they thought the Catholic question had a better chance of being carried by an united parliament, they would not have consented to the Union. Now, if that were the case, did it not strike every person, that it must have been an extremely difficult thing for the minister to authorize the Viceroy to make a declaration to the Catholics, and yet that that communication should be kept secret from the members of the Protestant Parliament. The right hon. gentleman had said that Lord Cornwallis had stated to Mr. Plowden, that the ministers of 1800 never gave a pledge that they would not return to office unless the Catholic question was carried. But he begged to call the attention of the House to the correspondence between Lord Castlereagh and Lord Cornwallis.—The right hon. gentleman then read the letter of Lord Castlereagh, on March 3, 1801, and concluded by saying, that it was evidently Lord Cornwallis's opinion, that no pledge had been given. The only other authority to which he would refer, was that of Lord Castlereagh, certainly the most material instrument in carrying the Union. Lord Castlereagh, on May 25, 1810, in the face of the country, and in the presence of the right hon. gentleman opposite, used this language:—"He was under the necessity of again noticing insinuations such as had been too often falsely and ignorantly made, that pledges were given; he considered that the practice of representing that breaches of faith had been committed, tended to excite a strong sense of suffering. It was singular that if pledges were given, none of the parties to whom they were addressed, should come forward to claim their execution. He could take it upon him to assert for himself, and for those who belonged to the government at the time, that no pledges had been given. At the same time the Catholics very naturally formed expectations from the general language held out to them, and particularly from what was repeatedly told them, that their question would be in a better condition for a satisfactory settlement before the united parliament, than before the then parliament of Ireland." Such was the language of Lord Castlereagh. The right hon. gentleman had spoken of a letter, which, if he could get possession of, it was all he wanted. Now, he had no difficulty in saying, that if the motion were carried, he could produce no such letter of Mr. Dundas. It was not written in his capacity of minister. It was a letter conveying the opinion of Mr. Dundas, and stating what course he should pursue; but there was no record of it in the Home Office, the Castle of Dublin, or the Colonial Office. He must say, that in relying on reports of parliamentary speeches, and upon public declarations of official men, the right hon. gentleman had laid no foundation for the production of the private and confidential correspondence of ministers. Should the motion be agreed to, he should certainly feel it his duty to comply with it; but it would be with extreme reluctance, for several reasons. The chief object in calling for the papers was, to satisfy the House as to the course taken by the Roman Catholics with respect to the Union. It would be impossible, from the state in which the parties were, to present extracts of the correspondence without mixing up party politics. The letters were written in a moment of excitement, when

the parties spoke of each other in terms in which they would not now do. He was sure he could satisfy the right hon. gentleman, that nothing could be so inconvenient and unwise, as to revive the excitement of that period. These were the grounds on which he opposed the motion. He had avoided all topics of an irritating nature. He had attempted to state the grounds on which he differed from the right hon. gentleman, only by reference to those authorities to which every man had access. He had stated as much as possible respecting the expectations said to be held out to the Roman Catholics at the time of the Union, for the purpose of rescuing from obloquy the characters of three such men as Mr. Pitt, Lord Cornwallis, and Lord Castlereagh; and he thought he had proved that no pledges had been given by them, and subsequently broken, that could be deemed obligatory on an honourable mind.—The motion was withdrawn.

## ORDNANCE ESTIMATES—CANADA.

JULY 7, 1828.

In a committee of Supply on the Ordnance Estimates, Sir H. Hardinge moved "That £30,000 be granted towards defraying the expense of Military Works at Kingston in Upper Canada, and Halifax in Nova Scotia, for the year 1828; upon an Estimate not exceeding £330,644."

Towards the close of the debate on this resolution, MR. SECRETARY PREL said, that the hon. gentleman (Mr. Baring), had argued the question, as if the House had only the choice of two alternatives, either to vote this sum for the defence of the Canadas, or to abandon them altogether. It was clear, that if the hon. gentleman were not prepared to abandon the Canadas, his whole argument was conclusive in favour of the vote. The hon. gentleman himself said, "Don't disregard the Americans: they are not inattentive to military science: they are training up their youth to arms, and they have an extended frontier for some thousands of miles adjoining these colonies." If that were true, was it not wise, in time of peace, to make preparation for an effectual defence? The hon. gentleman himself must admit, unless he were prepared to recommend the abandoning of the Canadas—that the most economical mode was, to assist the physical strength of the population by some system of fortification.—But, he would ask, could this country abandon its Colonies? This was not a question to be decided by considerations purely of a general nature. He must say, that while he admired the eloquence and feeling of the hon. member for St. Michael's, he was convinced that the hon. gentleman's sentiments were perfectly consistent with the soundest policy. His advice was:—"Redress the grievances of the Colonies: attend to their just complaints: if there be defects in the Act of 1791, apply a remedy. But, as they have faithfully stood by you in the hour of danger, do not abandon them now." Though considerations of feeling were not alone to determine this question, they were not to be disregarded. He begged the House to consider what would be the effect produced on the other Colonies, if this country were to abandon the Canadas. If they saw the mighty power of this country shrinking into narrow dimensions, and exerted only for selfish purposes, what conclusion must they form? He had often seen with regret a disposition shown to underrate the value of our possessions abroad. He should be sorry to see this country, on any course of abstract reasoning or political philosophy, make the experiment of trying the effect the loss of the Colonies would have on the strength of the empire. Besides, in what way would they make the experiment? The hon. member for Callington had never openly proposed to abandon them altogether;—but he had talked of sounding their feelings as to a separation. To any such course he could not consent. If they were prepared to abandon the Colonies, let them notify their resolution; but he would be ashamed that parliament should say to the Colonies, "Do you exercise your discretion as to this question? Do you give your voice, whether having been united for better and for worse, you should not agree to the divorce we now propose?" It would be infinitely better for this country to make up its mind, than thus to destroy the affectionate union with our colonies. But he did not see on what principle we could abandon the Colonies. We had rescued them from the country to which they

originally belonged, and they had been faithful to us. There were dissensions, it was true; but they were, perhaps, inseparable from the connection with the mother country, and from the constitution of all free countries; but in loyalty they had been absolutely incorruptible.—Was it then for the honour of Great Britain to signify to her Colonies, that she was about to abandon them as a burdensome connection? Was she to tell them that, on account of the danger of their being attacked, their defence would be too onerous for her, and that therefore she purposed to dissolve the union? But, how were the sentiments of the Colonies to be ascertained? One hon. member suggested, that we should summon all the leading persons of the provinces, and leave the question to their decision. But if there were any one distinct province now able to form an independent government, he much doubted whether it would be strong enough to maintain itself against the American United States. Again, was the proposition to be submitted to all the provinces, or was it to be confined to the Canadas? Were they to propose that the Canadas should become separate and independent States? What chance was there that they would remain so, with a powerful neighbour like the United States by their side? As to New Brunswick and Nova Scotia, they had shown no symptoms of desertion. Why were they to be abandoned? Was the proposition to be made to Newfoundland? Were we to abandon to the North Americans the possession of the fisheries on the coast of Newfoundland, and give to the United States the advantages we now derive from that source? He was ready to concede, that the time might come when this proposition might be carried into execution. But at present, were the population and natural strength of these colonies such as would enable them, in case of a war, to resist the aggressions of the United States? If ever they should form an independent government, God grant the dissolution of the connection might be an amicable one! But he contended that, looking forward to the time when they might amicably separate from us, it was by no means certain, that this money to provide them with adequate means of defence would be ill expended.

The resolution was carried by 126 against 51; majority, 75.

## BRITISH MERCHANTS' CLAIMS ON SPAIN.

JULY 15, 1828.

Sir James Mackintosh brought up a petition, enumerating the harassing delays and disappointments which certain British merchants trading to, residents in, or connected with, Spain, had experienced in their attempts to recover their property, or a compensation for its loss, under a convention concluded between His Majesty's Government and the King of Spain in the spring of 1823. Their losses amounted to upwards of £3,000,000.

MR. SECRETARY PEEL said, it was quite impossible to deny the undoubted justice of the claims of the petitioners—claims recognised and ratified by a solemn convention, and the right hon. gentleman had borne testimony to the exertions of those who had attempted to give effect to that convention. He knew that Mr. Canning, and after him Lord Dudley, had given their utmost attention to those claims. His noble friend, who at present presided over the Foreign Department, had been so much occupied, since his entrance into office, that he had not been able to attend to that particular subject. He nevertheless believed, that nothing was more on his noble friend's mind, than to obtain justice for the petitioners. If, having said thus much, he should offer any opposition to the motion, he trusted it would not be attributed to any intention to oppose claims, the justice of which he had already proclaimed. He thought the right hon. gentleman himself must see, that the manifestation of the opinion of the House would be sufficient for his object. He thought also that to pledge the House to follow up the motion by an address to the Crown, was a proceeding not called for by the case in question. He hoped, therefore, that the House would not be called upon to pledge itself to ulterior proceedings, on a subject respecting which negotiations were still pending. He was enabled to say, that a greater probability existed at present of an amicable settlement of the matter than at any former period; and it was only an act of justice to the Count d'Osalia to declare,

that he was most anxious to bring the affair to a conclusion. The count had full powers for that purpose, and had made a proposition, the difference between the sum mentioned in which, and that claimed by the petitioners, was not so material as to forbid the hope that the affair would be amicably settled.

The petition was ordered to lie on the table.

#### ADDRESS ON THE KING'S SPEECH, ON OPENING THE SESSION.— CONSIDERATION OF THE ROMAN CATHOLIC CLAIMS.

FEBRUARY 5, 1829.

Lord Clive moved, and Lord Corry seconded, the address in answer to His Majesty's Most Gracious Speech, delivered by Commission on opening the Session.

In the debate which followed, Mr. SECRETARY PEEL, rising after Mr. Maurice Fitzgerald, said, that his hon. friend who had spoken last, his noble friend the member for the county of Buckingham, his hon. friend the member for Ripon, and his hon. friend opposite, the member for Dorset, would at least believe, that nearly the most painful circumstance that could be imposed on a public man, in the performance of a public duty, must be when, after long acting with a number of individuals,—after proceeding in concurrence with them to the utmost of his power in a particular course of policy, he finds himself called upon, by peculiar circumstances, to separate from them. To separate, he repeated, from men for whose integrity, ability, and conscientious feelings, he entertained, and always should entertain, the profoundest respect, must certainly be counted amongst the severest sacrifices of a public man. But he trusted that his hon. friends would admit this; namely, that his Majesty's ministers stood in a situation different from that in which they were placed; that, in that situation, they had access to information which his hon. friends had not; and above all, that they stood in a peculiar relation to his Majesty, by which they had contracted an obligation, as responsible servants of the Crown, from which they could not relieve themselves by any reference to past declarations or past circumstances, from the duty of giving the best advice which they could form, as to any measure, under the then existing situation of affairs. That was their duty; and whatever might have been the understanding on which governments had been formed, with respect to the Catholic question, and whatever might have been the reservations which individuals had made when entering into the service of the Crown, such understandings and such reservations did not absolve them from the paramount duty of offering the best advice to his Majesty, upon any important conjuncture, and of being responsible for the consequences of that advice. He did not mean to answer the expressions of reproach which had fallen from his hon. friends. He admired them for retaining their opinions; and he only asked them, whether they would wish his Majesty's ministers to retain those opinions, when they appeared to be incompatible with the great interests which they were called on to guard? If his Majesty's ministers believed that adherence to resistance against the Roman Catholic claims ought to cease—if they thought that, upon the whole, it would be more for the interests of the country at large, and more for the Protestant interest, to take into consideration the entire condition of Ireland, it was their duty, with reference to those interests which they had a common benefit in preserving, to give that advice. And he would unhesitatingly declare, that there was, under present circumstances, much less of evil, much less of danger, in considering the whole condition of Ireland by a united government, than there was in any other course which could be pointed out. He pretended to no new lights on the subject of the Catholic claims. He retained the same opinion which he ever entertained in reference to that question. He saw as clearly as ever the dangers which he had heretofore felt, as connected with that subject; but he had no hesitation in saying, that the pressure of present evils was so great and overwhelming, that he was willing to encounter the risk of those contingent dangers, rather than, in the existing situation of the country, to endure not only the continuance, but the aggravation of the present system.

The opinions which he had heretofore expressed on the Catholic question he still retained—but he must say, that, looking to the position of the government of the

country,—looking to the position of the legislature,—looking to the disunion which had prevailed on this subject in his Majesty's councils,—looking to the disunion which for several years had marked the proceedings of the two branches of the legislature,—and looking to the effect which all these causes had produced on the state of Ireland;—considering all these things, he must say, that there appeared to him to be sufficient reasons to induce him to accept of almost any alternative, rather than endure their continuance. For the last five and twenty years—ever since the year 1804—there had been a division in the king's councils upon the subject of the Roman Catholic question. The government of the country had, at intervals, before that time, been composed of persons who made a common cause in their resistance to those claims; but for the last twenty-five years, men holding different opinions upon that question had taken a part in his Majesty's councils. When Mr. Pitt returned to office in 1804, it was notorious that he entertained a strong desire to settle the question, by some satisfactory arrangement. He resisted, it was true, the proposition for taking the question into consideration; but he had done so on grounds of temporary convenience, and not from any reasons connected with the general principle. In 1806, when Mr. Fox's government was broken up, and that of Lord Grenville and Mr. Fox was formed, the principle of neutrality upon the Catholic question was one of the covenants upon which that administration was founded; and it was matter of notoriety, that the same principle had been acted upon in the constitution of every administration which had been formed in the country from that time down to the present hour. It was perhaps as unavoidable as it was notorious, that every administration in this country for the last twenty-five years, had admitted persons who differed in opinion upon the Catholic question. If there were any error in being a party to such a system, he was ready to take to himself his share of blame; but it was an error in which many great men had participated. No man could lament this more than he did; but he believed that the difference which existed amongst public men upon the subject of the Catholic question was so great, that it was found impossible to make up an administration, which could have any reasonable hope of carrying on the business of the government, if it had been founded upon any other principle than that of admitting, in the members of the cabinet, a difference of opinion upon that question. Men were obliged to yield to the necessity of the times; and to adopt a course which, although they believed it to be prejudicial to the interests of the state, they knew to be unavoidable. And it was certainly natural, when the country was placed in circumstances of difficulty and peril, that men who had at heart the general prosperity of their common country, should merge for a time their differences upon the subject of the Catholic question, in the desire to promote the other pressing interests of the country.

He said, however, that the reasons which operated to such an extent then could not hold good now. This question was second to no other which could be brought under the attention of the legislature. There was no immediate and pressing danger now, which prevented us from giving its difficulties our full attention. This, therefore, was his first position—that, however expedient, or however allowable, it might have been for the government to profess neutrality upon the Catholic claims in other times, such a state of things was utterly out of the question now. At a time when there was scarcely an individual in the empire who did not express an opinion upon the subject, and who was not even making it the topic of his everyday's discourse, it was impossible for the government to remain without coming to some decision,—without sending forth some explicit opinion, both as to this question and to those that were connected with it. These considerations had compelled him to come to the conclusion that, for the safety of the Protestant religion and Protestant Institutions of the country, it was absolutely necessary for the administration to abandon the principle of neutrality on this all-absorbing question. Besides the embarrassments attendant upon a disunion in the cabinet on the Catholic question, there was the additional embarrassment in the disunion which, as a necessary consequence of it, prevailed in the Irish administration. Indeed, the disunion of the cabinet was calculated to create, necessarily and inevitably, a corresponding spirit of disunion in the constitution of the Irish government. As disagreement on the Catholic question was the principle on which the administration in England was formed, it was impossible to prevent the same principle from entering into the constitution of the Irish

administration. Accordingly, there had been at one time a Lord-lieutenant in Ireland entertaining opinions unfavourable to the measure of Roman Catholic relief, and a Secretary entertaining opinions favourable to it. Again, we had had the Lord-lieutenant favourable to the claims of the Catholics, and the Secretary of opposite sentiments. This was the natural result of a divided cabinet; and although there had been occasions, for instance recently, of the Lord-lieutenant and the Secretary cherishing the same sentiments on the question, yet they were under the guidance and direction of a disunited cabinet. Thus, whether the administration of Ireland were united in favour of concession, or disunited against it, their conduct was always controlled by the principle on which the administration in England was formed; namely, one of disagreement upon the subject of concession. Seeing, then, the embarrassments which this principle had created hitherto in the construction of the cabinet—seeing, too, the embarrassment which its prevalence extended to the administration of affairs in Ireland—and seeing further, that these embarrassments not only continued, but greatly increased, he had come to the conclusion, that things could not and ought not to remain as they were [hear!]<sup>1</sup>—not only for the sake of the question itself, but in reference to the public interests, and to the interests of the Protestant establishments, which it was their most anxious wish and bounden duty to protect, it was desirable that things should not remain in their present condition [hear, hear!].

Now, he asked his honourable friends,—who, he believed, would hardly contest this proposition, that it was scarcely for the benefit of the Protestant establishment that this question should remain as it was—he asked them to consider how it was to be met? Was it possible to set it at rest by forming an administration of persons prepared to resist concession to the Catholics, under any circumstances? Was it possible to do this in the present state of public feeling and opinion? If it were admitted, then, that matters could not remain as they were, and that the principle of disunion in his Majesty's councils ought not to be continued, let the legislature fairly and dispassionately consider what could be done. And, first, let them enquire whether a minister of the Crown, anxious to support the established religion, and to conduct the affairs of the country with benefit and success, could honestly advise his Majesty to attempt the formation of an administration on the principle of permanent resistance to further concessions to the Roman Catholics? He repeated, “on the principle of permanent resistance,” because he could see no advantage that an administration could derive from temporary resistance to the Roman Catholics; for if temporary resistance, founded merely on passing circumstances, were resorted to, the administration which adopted such a course at once admitted and conceded the abstract principle. If they declared that there were some reasons which, at a particular moment, pressed on them, as forming a sufficient cause for a refusal of concession, they conceded this point—that when those reasons were removed, the boon ought to be granted. For his own part, he had never seen any advantage that could result from opposing the Roman Catholic claims on temporary grounds. The inevitable result of placing resistance on such grounds as the expression of strong opinions, or the frequency of public meetings, the object of which might be to prevent the government from pursuing its own line of policy, would be to prevent concessions, but to prevent them on unfair grounds. He did not think it fair that permanent resistance should arise out of temporary grounds of expediency. He did not, therefore, think it would be good for the country, that the government should be formed upon the principle of permanent, unqualified, and uncompromising resistance to the Catholic claims. He, for one, could not advise his Majesty to attempt the formation of such a government, because he thought not only that it would fail, but that it would compel the settlement of the Catholic question at last; while, in the interim, those embittering animosities would have so far increased, as to make the settlement of the question much more difficult than it would have been before the constitution of such a government.

Considering that, in the last session of parliament, a majority in that House of 272 against 266, had decided in favour of further concessions to the Roman Catholics, to oppose such concessions would be to stand against an actual majority of the House; and any administration formed upon the principle of eternal and uncompromising resistance to the Catholic claims must ever have found itself in positive minorities. Was there the least chance that such a government could carry through parliament those measures which a rigid adherence to the principle on which it had

been founded would render necessary? These were matters which he thought his hon. friends, in treating on the question, could not refuse to take into their consideration; but he was quite sure they must see how absolutely impossible it was that they should be overlooked by any member of his Majesty's government. The hon. baronet, the member for Ripon, should recollect, that to adopt authoritative and coercive measures would be to give a triumph to those very persons of whom he had spoken in terms of so much reproach. To make again the attempt which was made in 1825, would be to have the measure followed up by a declaration of that House, that the Catholic question ought to be conceded. On the fullest consideration, therefore, of all those circumstances which ought not to be excluded from their consideration, if it were intended to come to an honest and correct opinion on the subject, he was entirely satisfied, that the attempt to form an administration against the principle which had been acted upon for the last twenty-five years—an administration composed exclusively of persons who would offer an uncompromising, unqualified, and permanent opposition to the Catholic claims—would fail, and in its failure produce consequences extremely prejudicial to the best interests of the country. An attempt from which he expected such results as these, he certainly would never advise, because he thought that it ought not to be made.

If, then, it were conceded to him, that matters could not remain as they were, and that an administration could not be formed on the principle of permanent resistance to concession, it must be admitted that there was only one alternative—namely, a consideration of this most important question, with a view to effect such a settlement of it as should be satisfactory to all parties. He would again ask his honourable friends if they did not see in the divisions which the discussion of this question had produced between the two Houses of the legislature, an additional reason for endeavouring to effect, as soon as possible, a final and satisfactory settlement of the question? Since the year 1807, there had been five general elections in this country; namely, one in 1807, another in 1812, another in 1818, another in 1820, and another in 1826. There had, therefore, been five different Houses in five distinct parliaments, and four of these had adopted resolutions in favour of concessions to the Roman Catholics. The House of Commons elected in 1807, voted in 1812 in favour of considering the question of concessions, by a majority of 235 to 106. The House of Commons elected in 1812, voted also in favour of the consideration, by a majority of 264 to 224. The House of Commons elected in 1818, which was the only exception in these five parliaments, resisted the consideration of the question, but only by a majority of two; the numbers being 243 to 245. The House of Commons elected in 1820, passed, in 1821, a bill for the relief of the Roman Catholics by a majority of 19. Now, to consider the measures of relief which this branch of the legislature had pursued. In 1821, a bill for the relief of the Roman Catholics passed that House by a majority of 19. In 1822, a bill for permitting Roman Catholic peers to sit and vote in the House of Lords, passed by a majority of 21. In 1825, the House passed a bill for the relief of the Catholics by a majority of 20. In 1826, the House passed a bill for the relief of the Catholics by a majority of 21. In 1827, the consideration of the question was rejected by a majority of 276 to 272; but in the last year it was carried by a majority of 272 to 266. In four, therefore, out of five parliaments, the House of Commons had come to resolutions in favour of the concession. It was not, however, so with the other House of parliament. And he must say he thought it became them to weigh maturely this fact, and see whether, in this difference between the two Houses of legislature, there was not to be found another reason for taking the question into consideration, with a view to the settlement of it. It could not be denied that the difference between the Houses of Lords and Commons on this point was an evil. Certain it was, that it acted not a little prejudicially on the government. The opinion of that House, which had been so repeatedly expressed in favour of concessions to the Roman Catholics, animated and encouraged faction in Ireland, though it was by no means intended to produce that effect. A proper line was not drawn between the proceedings of that House and the views which were entertained out of doors; and he had no hesitation in declaring it to be his firm conviction, that the expression of this opinion, on the part of the House, considerably raised the power of the Catholics, while it depressed that of the Protestants in Ireland. For five and twenty years the two branches of the legisla-

ture had been divided on this point; and he saw no means of removing the evil, except by a full and deliberate consideration of the whole question. No doubt, any man who reasoned upon general grounds, and not from existing circumstances, would be justified in adhering to his resolution on this question; but when it was found that such a resolution acted prejudicially to the government, it was surely but fair that that circumstance should be taken into the account, and admitted as a reason for the settlement of differences, which, no matter on which side the right might be, or supposed to be, were clearly proved to be injurious. In argument and speculation there might be error; but in matters of fact there could be none. These, then, he repeated, were the reasons arising out of continued division in the councils of his Majesty, and between the two Houses of legislature, which had induced him to come to the conclusion, that there was no alternative left them but a full consideration of the question, with a view to the settlement of it. Retaining his former views, and sensibly alive to all the dangers upon which he had before insisted, he still found that he could embrace this alternative and come to a consideration of the question, because he could not shut his eyes to other dangers, and to other inconveniences, which had resulted from the state in which the question had till now remained. His hon. friend had asked him what particular measure it was intended to propose. If his hon. friend would look attentively, he would find that there was nothing in the Address which pledged his hon. friend, or any other member, to support the measure, whatever it might be, which would be proposed; and if the question, therefore, remained unanswered, his hon. friend could not justly take any exception to the Address, upon the ground that he was ignorant of the nature of the measure to be submitted to the House on this subject. But he would satisfy his hon. friend, so far as he was able, with respect to the intentions of his Majesty's ministers. First, it was their intention, in conformity with the recommendation in his Majesty's speech, to arm the executive government in Ireland with sufficient power to suppress an Association, which had been productive of evils so notorious, that he was spared the painful task of dwelling upon them. Until this was done, and the ascendancy of the laws in Ireland vindicated, he did not think that they ought to be called upon to take into consideration the question of concessions. It was not intended, therefore, on the part of the government, to propose any measure in accordance with the concluding portion of his Majesty's speech, until this essential object should have been accomplished. His hon. friend had asked him, if they had any specific measure in view, or if they intended to throw the question loose upon the House, and, having no plan of their own, seek for one among the speculative notions and the theoretical views of others. He had no hesitation in telling his hon. friend, that the latter course was by no means contemplated by his Majesty's ministers. At the same time, however, his Majesty's ministers looked upon the question as one which had been so repeatedly and so fully considered, that it was not necessary now to enter again into a minute examination of it. Formerly, such a course might have been necessary; but it would be idle now to consider the question otherwise than as one that had been fully and substantially considered. It was their intention, therefore, to submit to the house a specific measure, brought forward on the responsibility of the cabinet, at a period which they believed to be the most favourable, and as early as possible after the subject to which he had first alluded had been disposed of.

His hon. friend, too, had asked, what was the general character of the contemplated measure, and had complained that his Majesty's speech did not enter more into the details of it. With respect to his Majesty's speech, his hon. friend would, he was sure, perceive, on consideration, that his complaint was not well founded. It could scarcely be expected that the details of such a measure would be developed in a speech from the Throne. He had, without hesitation, gone as far as he could in replying to the questions of his hon. friend, but he must positively refuse to accept his invitation to enter now into the consideration of the details of the measure to be proposed. Not only was this not the proper opportunity, because those details could not now be discussed fully; but even if such a discussion could take place, it would answer no good end. The introduction of the measure would furnish the only proper occasion for the discussion which his hon. friend desired, and which would then be as full as his hon. friend could possibly wish. He had, however, no hesita-



tion in saying, that it was the intention of his Majesty's ministers to propose a permanent settlement of the question, on what they believed would be thought to be a satisfactory basis. It was their intention to effect the removal of civil and political disabilities, subject, however, to those exceptions and regulations which to them appeared necessary—those exceptions and regulations standing on their own specific grounds. Other measures were in contemplation, but into them he would not now enter, contenting himself with stating that the principle which his Majesty's ministers had in view was to attempt a satisfactory and permanent settlement of the question, and the removal of civil disabilities arising from religious distinctions.

This was the general basis of the measure; but, as he before observed, they would reserve to themselves the power of bringing forward such regulations as should appear to them to be necessary. The measure, far from proceeding from hasty conclusions or lately formed opinions, would be the result of the mature deliberation of his Majesty's government. It was not to be regarded, for it was not intended, in the light of a compact or compromise with any set of men; neither did it result, nor was it connected with, negotiations with any foreign power; but it was a measure solely of domestic and internal legislation, which should, without interfering with the rights and dignity of the Crown, secure peace to the country, and have no reference whatever to any parties or factions. To introduce such a measure in the light of a compromise or compact would be most injudicious, but to divest it altogether of the character of a compact would be an immense advantage; for the parliament would then be able to legislate for Ireland, without reference to parties, as it legislated for Scotland, or for any other part of the empire. This settlement effected, and the civil disabilities removed, they must deal with the Catholics as with the rest of his Majesty's subjects. He wished he could say that he thought this settlement would be productive of those advantages which many hon. gentlemen anticipated would result from it. He confessed that his estimate of those advantages fell infinitely short of theirs, and he had more than once stated the grounds of that opinion. One advantage, however, it certainly would produce—the public mind would be quieted by it; and if then there should be any attempt—civil disabilities having been removed—to trench on the prerogatives of the Crown, or to innovate upon legislative enactments, he was sure that such attempt would be at once effectually rebuked and punished. Religious distinctions, too, having been done away with, they should come to the other subjects connected with the affairs of Ireland in better temper.

His hon. friend, the member for Ripon, had said, that within the last six months nothing had transpired which could justify an alteration in views previously entertained upon this question; and yet, in the course of his speech, his hon. friend had alluded to an event which had taken place in the county of Clare, and had admitted that the same event would have occurred in twenty other counties if there had been as many opportunities. Surely his hon. friend must admit, that this was a very important matter as connected with this subject. His hon. friend had taunted his noble friend at the head of his Majesty's government, and indeed all his Majesty's ministers, with having allowed their fears to be excited, and with being intimidated into concessions. In his opinion, no motive could be more justly branded as ignominious, than that which was usually termed cowardice. But there was a temper of mind much more dangerous than this, though it might not be so base—he meant the fear of being thought to be afraid. Base as a coward was, the man who abandoned himself to the fear of being thought a coward, displayed little less fortitude. His Majesty's ministers were not, and had not been, afraid of the Catholic Association. That intimidation had been resorted to, he readily admitted. But how had it been met? It was put down by the Protestant spirit of the country; and, if it had been continued, his Majesty's ministers were prepared to suppress by the physical force of the country, those offences against the laws which the moral strength of the people should prove unable to subdue. At the same time, he did not entertain the slightest doubt that, in the absence of physical force, and supported by his Majesty's loyal subjects alone, the king's ministers would have been able to destroy all attempts at carrying measures by intimidation, and that the wicked abettors of such attempts would have been involved in the ruin of their cause. In the summer the attempt was made, and it failed. These, then, were not matters to strike his Majesty's ministers with fear, though others might. Fear, however, was by no means incon-

sistent with the character "*constantis viri*:" there were many subjects which it might be impossible for him to contemplate without dread; there were many views from which he might be justified in shrinking. He would tell his hon. friend, that the disorganization and disaffection which existed in Ireland could not be looked upon without fear, and that to affect not to fear it would be to affect insensibility to the welfare of the country. He was not a man to yield to intimidation, or to be deterred by threats of commotions; but he could not understand the constitution of that man's mind, who, looking upon Ireland in its present state, could be free from apprehensions of consequences which might arise from allowing such a condition of affairs to continue.

But, the point which weighed most with him in respect to Ireland was this:—he conscientiously believed, that while this disunion existed between the legislative bodies and the government, a proper administration of the law by juries in Ireland was impossible. For these reasons, therefore, considering the absolute necessity of providing a remedy for this disunion between the two branches of the legislature in its bearing on the state of Ireland, and the probable aggravation of the evils so much to be lamented in that country, he had come to the conviction, that without reference to parties, it was his duty to advise his Majesty, that the barriers to the question should be broken down—that the whole question should be seriously considered—and that an attempt should be made to effect some settlement of it, which should calm the mind of every sincere Protestant, and satisfy every reasonable Catholic.

Having said so much, he was unwilling to trespass further on the attention of the House; and yet he trusted he should be allowed to add a few words respecting his own peculiar situation. The conclusion to which he, in conjunction with his friends had arrived, had not been influenced by the recent proceedings of the Catholic Association, nor by the difficulties which might present themselves in once more meeting the parliament. The opinions which he now expressed were formed more than six months ago, almost immediately after the conclusion of the last session. At that time he communicated with his noble friend at the head of his Majesty's government, and after an attentive consideration of the state of Ireland, they were of opinion, that it was not for the king's service, for the dignity of the Crown, nor for the welfare of the country, that hostility to concessions to the Roman Catholics should still be persisted in. He and his noble friend were of opinion, that the time was come for a serious consideration of the question, and that there would be less evil in conceding the question, than in persevering in opposition to it. Placed in this situation, he felt it his first duty to give the best advice to his Majesty; yet, in doing so, he did not forget the peculiar situation in which he stood: he did not forget, that he had for many years past offered, he hoped not a violent nor intemperate, though certainly a steady and unqualified opposition to the claims of the Roman Catholics. He had, however, never opposed those claims on temporary grounds, but had always resisted any concession on abstract principles. He did not, by what he now said, wish to find any refuge for the course he was now pursuing, from those sentiments which had fallen from him on former occasions. In the opposition he had made to this measure he had never professed to look to securities. His opposition had been complete and entire. That opposition, however, had always been confined to that House. He had never exercised it elsewhere, and though it had been charged against him that he had, he had not thought such accusations worth notice; yet he must now declare, that they were utterly unfounded, and that his opposition to the Catholic claims had uniformly been confined to the debates of that House. It so happened that when this question was under discussion by the government, which was in the month of August, he happened to be absent from town, and in consequence wrote to his noble friend upon the subject. He was sensible of the embarrassing situation in which he was placed, being responsible for the administration of affairs in Ireland, and yet constantly in a minority in that House upon a question which was thought to be of the greatest importance to Ireland. Reflecting upon this, he notified to his noble friend that he concurred with him that there was no other course now open but a full consideration of the question, with a view to its final and satisfactory adjustment. The right hon. gentleman here read an extract from a letter of his to the Duke of Wellington.

It stated, that "on a question of so much importance, he of course should not be influenced by any false delicacy, or fear of incurring any imputations of inconsistency, from taking whatever part any new position of circumstances might require; that he was ready, therefore, to hazard any sacrifice on that point; that he had a strong opinion that the proposed concessions to the Catholics would not be satisfactory to the country; but that, feeling that all personal and private feelings should be subordinate on such an occasion, he was ready to do every thing in his power to promote the object in view." The right hon. gentleman continued. He knew and felt that all personal feelings should be subordinate to the public good, but he could not help feeling at the same time, that his own position was materially different from that of any other minister, and he would willingly have retired from that interference in the settlement of the question which now devolved upon him. In the course of the discussions, however, connected with the consideration of this subject, his noble friend had said, that his retirement would greatly embarrass him; and this being the case, and it having been proved to his satisfaction that the difficulties in the way of settling the question, would be increased, if he pressed his retirement—he had said to his noble friend, that if such were likely to be the consequence, no consideration should induce him to urge his own personal wishes, but that he was ready to uphold in his place a measure which he was firmly convinced had now become necessary. His noble friend had done every thing in the power of man to render the measure about to be proposed satisfactory to all parties; neither had he, in the consideration of this measure, been at all intimidated by the proceedings of the Catholic Association. His noble friend had thought it his duty to advise his Majesty to resort to the proposed measure, and would not allow the fear of any imputations which he felt to be unjust to influence his conduct. For himself, the adoption of the measure had been proposed after much painful sacrifice. He had done all in his power to free himself from any engagements which might prevent him from exercising the most unfettered judgment, with respect to this vital question. He considered the path which led to a satisfactory settlement of it, to be, under all the circumstances of the country, the course most free from peril; and whatever part he might have taken on former occasions, with respect to this question, he considered it to be perfectly reconcilable with his duty, as a member of that House, and as a servant of the Crown, to do all he could to fulfil the solemn injunctions of his Majesty to consider this question, involving so deeply not only the best feelings of the people, but the tranquillity of the United Kingdom.

The Address was agreed to.

## ADDRESS ON THE KING'S SPEECH.

FEBRUARY 6, 1829.

The discussion relating to the King's Speech having been renewed by Sir T. Lethbridge,—

MR. SECRETARY PEEL, towards the close of the debate, said, he should postpone the few observations which he had to offer on the principal subject of the Address, until he had noticed one or two topics which had been adverted to in the speech of his right hon. friend the member for Liverpool. His right hon. friend appeared to think, that there was an inconsistency between the Speech lately delivered from the Throne, and that which had been addressed to the parliament at the close of the last session. His right hon. friend appeared to think, that what was said in the former respecting the belligerent rights of Russia in the Mediterranean differed from the expressions which had been used respecting the same rights in the latter. He thought, however, that if his right hon. friend would look at the whole of the statement on this subject in the Speech of his Majesty at the close of the last session, he would find that what had been said there was quite reconcilable with the expressions lately used. The chief point upon which his right hon. friend insisted, was the use of the word "consent." His right hon. friend supposed that the word "consent" implied that there had been some formal negotiation with Russia, the result of which was, that she had waived rights which she had now resumed. The words of the Speech,

at the close of the last session, were these:—"His Imperial Majesty has consented to waive the exercise in the Mediterranean Sea, of any rights appertaining to his Imperial Majesty, in the character of a belligerent power, and to recall the separate instructions which have been given to the Commander of his naval forces in that Sea, directing hostile operations against the Ottoman Porte. His Majesty will therefore continue to combine his efforts with those of the King of France and his Imperial Majesty, for the purpose of carrying into complete execution the Treaty of London." Now the fact was, that they, being parties to the treaty of the 6th of July, found that many difficulties occurred to them, as neutrals, from the separate instructions of his imperial Majesty, directing hostile operations against the Porte. They stated that to Russia: she withdrew her separate instructions, and they, preserving their position of neutrality, were enabled to act as a party to the treaty. It would be seen, then, that there was nothing to prevent the resumption, on the part of Russia, of her belligerent rights in the Mediterranean Sea, when she should find it necessary to resume them; but then they, of course, had a right, as neutrals, to withdraw as soon as those belligerent rights should be resumed. "Consent," therefore, as used by his Majesty, was a proper term, and by no means necessarily implied that there had been any formal negotiation. It was strictly a consent, and nothing more, to waive belligerent rights, by which they were enabled to carry on the treaty of the 6th of July. The terms, therefore, of the two Speeches were perfectly reconcilable. With respect to Portugal, his right hon. friend had, with great propriety, abstained from pressing that topic for the present, and he must be allowed to follow the good example. He would merely observe, that, admitting the usurpation of the government of Portugal to have been most unjustifiable, and the internal dissensions of that country to have been most unfortunate and distressing, yet that, unless his Majesty's ministers had been prepared to take a part in those internal dissensions, they had only one course open to them. That that course had not only not been neglected, but that it had been properly pursued, he had no doubt that he should be able, at a proper opportunity, to satisfy the House. With respect to the observations which had been made upon him and upon the government on the subject of Ireland and the Catholic question, they had by no means surprised him. He would, however, declare, once for all, that as far as he was concerned, the recommendation of his right hon. friend the member for Invernesshire, should be attended to, and all angry discussions, invectives, and recriminations be avoided. Now that he had undertaken that most important, most difficult, and to him most painful task, he would devote his best exertions to carry it to a successful issue. No reproaches from those hon. friends of his with whom he had so often acted, and for whom he retained the most cordial respect—no opposition on the part of those whom he had been in the habit of meeting as opponents—should betray him into the expressions of angry feelings. He had undertaken the task, and he would endeavour to bring it to such an issue as should secure the safety of the Protestant interests of the country, and satisfy the hopes and expectations of every reasonable Roman Catholic. He was not surprised at the feelings which had been expressed by his right hon. friend, the member for Liverpool. At the early part of last year he had embarked with his right hon. friend in a government, in which the Catholic question was perfectly open, each member of the government being at liberty to express what opinions he pleased upon it. It was, perhaps, unwise in both of them; but they thought that they might continue in the service of the Crown, without abandoning the principle which had been acted upon for so many years in the formation of administrations. The House having declared in favour of concessions to the Roman Catholics, he said nothing at the time; but he had found that this principle could no longer be maintained in the government, and he had taken an early opportunity of stating, in the proper quarter, that this was his impression. It was the deliberate conviction of his own mind, and in expressing it he had stated, that he was ready to remove any obstacle which might arise from his remaining in office. He ought, perhaps, to have seen this at the beginning of the session, but new events forced the fact upon him, and he took the first opportunity of stating his conviction, and, as he had before said, expressed his readiness to remove any obstacle which might arise from his continuing in the service of the Crown. He went farther. In the present state of the country, more importance had been attached to individual resignations than would arise from such

occurrences under other circumstances, and in other times. After full and deliberate consideration, he expressed his readiness to relieve the government from the obstacle which, it was stated to him, would arise from his retirement. He understood it had been supposed that he had said, that in August some measures connected with the subject of the Catholic question were under consideration by the cabinet, and that he communicated upon them with his noble friend at the head of the government. This was a mistake. The communication which he had made to his noble friend related to his own individual views, and was made to no other person. His noble friend had said in his speech, in the House of Lords, that he did not despair of seeing a satisfactory adjustment of the Catholic question. He had said to his noble friend, in reference to this, "I think you are right, but my situation is very different from yours, and I will retire." This was all; and he had made the communication to no other individual but his noble friend. He had stated last night, that feeling that his retirement would throw difficulties in the course of the government, he had determined to act upon that advice which he had felt that it was his duty to give to his Majesty. He could very well understand why he was reproached for this discharge of what he conceived to be his duty, by his hon. friends, who thought his present conduct inconsistent with his former views and declarations. He did not blame them. He would only say, that if they were in possession of the information which he was in possession of with respect to the state of society in Ireland, he firmly believed, that they would come to the same conclusion with himself; namely, that the government could no longer remain neutral, leaving two parties to fight out the battle between them, but was compelled at length to act, and that, too, in such a manner as they believed most likely to preserve the interests of the Protestants, and to conduce to the welfare of the country. If his hon. friends were in the possession of this information, he believed they would see that no stable government could be formed on the principle of eternal and uncompromising resistance to the Catholic claims. Such, at least, was the conclusion to which he had arrived, and to such a conclusion he believed his hon. friends who now reproached him, would have come also, if the same information had reached them. The only course, then, which remained, was for a responsible government carefully to deliberate upon this subject; to decide as ministers of the Crown, what ought to be done, without any negotiations with, or reference to the parties; and then to submit the result of their deliberations to the parliament, calling upon it to sanction that which, under all circumstances, was, in their opinion, the best that could be done.

After a few remarks from Mr. Huskisson, Mr. Peel said, that in referring to the reproaches with which he had been visited on account of the change in his opinions, he did not allude to his right hon. friend, but to the speeches of other members. The only part of the speech of his right hon. friend to which he referred, as connected with his conduct, was that in which his right hon. friend appeared to express an opinion, that the principle of neutrality in the cabinet ought to have been abandoned sooner than it had been.

The Address was then agreed to.

## PETITIONS FOR AND AGAINST THE ROMAN CATHOLIC CLAIMS.

FEBRUARY 9, 1829.

MR. SECRETARY PEEL said, he rose for the purpose of giving the same advice which he had often given before under other circumstances; namely, that the House should receive the petitions presented to them with the most calm, respectful, and unbiassed feelings. They ought not to scrutinize too narrowly, or to hold up to ridicule the means which it was necessary to resort to occasionally for the purpose of enabling persons to state their opinions to that House. He was sure that nothing could be more fatal to the success of the contemplated measure, than any attempt to treat lightly or intemperately that deliberate and honest feeling on this subject which any body of people might think proper to express. He could assure the right

hon. and learned gentleman who commenced this debate, that he was perfectly satisfied that the petition of the University of Oxford originated in the purest and most honourable feelings, and that those who prepared it were perfectly uninfluenced by any views which his majesty's government had taken, or might think proper to take. The individuals signing that petition had, with peculiar delicacy, done him the honour of committing it to his hands, and he would do the utmost justice to their feelings, though he was compelled, by a sense of public duty, to dissent from their opinion. Whatever efforts might be made to induce him to express his opinion fully on this subject, he hoped that his hon. friend, and the country also, would feel satisfied that there must have been cogent reasons, on looking at the whole question, that could induce his noble friend and himself to place themselves in the situation in which they at present stood—a situation in which they were not only opposed, but severely reproached, by those who had long been their friends. Allusion had been made to the sacrifice of the emoluments of office, which, it was insinuated, ought to have been preferred to the course which he had adopted. Good God! he could not argue with the man who could place the sacrifice of office or of emolument in competition with the severe, the painful sacrifice which he had made—a sacrifice which it seemed to be supposed he had consented to, in order to retain his office! He had, after mature deliberation, come to this determination, that, in the state of the country—and in the state of public opinion in Ireland—he never would meet that House in the situation in which he had been formerly placed. He was responsible for the safety of Ireland, and that responsibility he did not wish to be subjected to, while the cabinet were disunited on this question. It was impossible that he could remain in such a situation after the information he had received relative to the state of Ireland last summer. The consequences arising from that determination were known to the House; and, however displeasing they might be to some gentlemen, he firmly believed that the time would come when justice would be done to the intentions of his noble friend and himself—when they would not be thought to have betrayed their trust to the country and to the Protestant establishment, because they had preferred the reproaches which were heaped on them, and even an apparent sacrifice of consistency, rather than pursue the course which they had hitherto pursued, and have thus obtained a short popularity at the expense of the true and paramount interests of the country.

## ASSOCIATION SUPPRESSION (IRELAND) BILL.

FEBRUARY 10, 1829.

MR. SECRETARY PEEL rose to bring forward the motion of which he had given notice. He said, he would take the liberty of prefacing the appeal which he was about to make to the House, by reading that part of his Majesty's gracious Speech which referred to the particular subject that he was about to bring more immediately under their consideration. The right hon. gentleman then read the following passage:—

“My Lords and Gentlemen—The state of Ireland has been the object of his Majesty's continued solicitude.

“His Majesty laments that, in that part of the United Kingdom, an Association should still exist, which is dangerous to the public peace and inconsistent with the spirit of the Constitution; which keeps alive discords and ill-will amongst his Majesty's subjects; and which must, if permitted to continue, effectually obstruct every effort permanently to improve the condition of Ireland.

“His Majesty confidently relies on the wisdom and on the support of his parliament; and his Majesty feels assured that you will commit to him such powers as may enable his Majesty to maintain his just authority.”

The right hon. gentleman then proceeded. It was his intention on the present occasion, to limit himself to that which appeared to him to be the exclusive object of that recommendation; namely, to justify the allegations contained in that Speech,

and to demonstrate the immediate necessity for the preservation of the peace of Ireland, of increasing the powers at present entrusted to the executive government of that country. He had that morning commenced revising his painful recollection of the various acts and proceedings of the Roman Catholic Association. He had begun that unpleasant task under the impression that it might be necessary to refer to those proceedings in that House; but subsequent reflection satisfied him that he might be spared so very painful a duty. Those acts and proceedings were so fresh in the recollection of those whom he now addressed, that it was, he thought, unnecessary to refer to particular instances of violence and intemperance: he thought it also probable, that whatever might be the variance of opinions in that House, with respect to the remote causes which had given influence and power to the Catholic Association—whether or not they were correct who thought that while disabilities remained it would be impossible to control the substantive power of this Association—or whether they were correct in their opinion who believed that the mere exercise of summary authority was sufficient once and for ever to counteract the dangerous tendency of the Association,—he would say, whether the one proposition or the other were the true one, or whether the truth lay in a medium between them, that he thought he might reckon on the unanimous opinion of the House on this point; namely, that the existence of such a body was inconsistent with the exercise of regular government, and totally incompatible with the due administration of the law. He did not mean to enter into those causes which had given rise to the Association; he asked only for that admission which he had already heard amply made on the opposite side of the House—that it was not consistent with the exercise of the functions of the regular government, that the existence of the Catholic Association should be any longer allowed, and therefore he should be spared the pain of stating any particular circumstances which might have the effect of creating irritation or ill-feeling. He had taken a certain course, and he would not depart from it; and he hoped, notwithstanding all the difficulties by which that course was encircled, that in the end he should be the humble instrument of softening down the acrimony of religious feelings, and of introducing a more harmonious state of things. It was the intention of the government to suppress the Roman Catholic Association; and he would ask, could it be doubted that the existence of such a body was inconsistent with the spirit of the constitution? Could it be suffered that a society of this kind, whose objects were indefinite, and might be changed at pleasure, could be allowed to exercise its power? Could it be denied that it was inconsistent with the public tranquillity and dangerous to the public safety? He believed that an immediate assent would be given to these different propositions; and their truth he could maintain by reference to a regular correspondence, which had been kept up with the government from various parts of Ireland. Whatever might be the feelings of gentlemen on other points contained in the Speech from the Throne, he was sure the House would look with approbation to the recommendation of his majesty in this particular—that they would enable his majesty to maintain his just authority, and therefore that they would, with that view, acquiesce in a legislative enactment, by which the future meetings of the Catholic Association would be prohibited and prevented. He believed that those who looked forward to the settlement of the Catholic question, who cherished the hope of seeing a conciliatory arrangement of the Roman Catholic claims speedily carried into effect—he believed that they must feel, that the continued existence of the Roman Catholic Association, during the discussion which must take place on that great question, would in itself oppose an almost insuperable barrier to the satisfactory accomplishment of the object which they had so much at heart. Where the passions were heated and excited to the extent to which they unfortunately were in Ireland, the most devoted advocate of the Catholic claims must acknowledge, that the constant discussion of the measures, and intentions of government in the Association, would render it totally impossible for the legislature to arrive at any satisfactory adjustment of the question. He therefore would say to those who thought with him that it was necessary to put down the Association, that the time had come when that body ought to be suppressed, as dangerous and unconstitutional; and he asked of those who looked to the satisfactory settlement of the Catholic question as the only mode by which permanent tranquillity could be secured—he asked of them, on different grounds, to come to one common conclusion, for the benefit of that cause

which they supported, for the general interest of the country, and for the ultimate advantage of religion itself; namely, that the Catholic Association should henceforth cease to exist.

His confidence in the intelligence of those persons, his firm reliance on their good sense—be the causes which gave rise to the Association what they might—relieved him from the necessity of dwelling on individual acts which had been done by the Catholic Association; but he thought that he was bound, as a vindication of the intended measures, to make some observations on the present state of society in Ireland, as constituting the justification of the demand for that additional authority, which the bill that he meant to propose would impart to the government. He should do this also with another view,—for the purpose of attempting to convince his hon. friends who concurred in the same common view as to the danger of granting concession to the Roman Catholics, of the necessity which existed for adopting a different course. He would lay before them some details of the present state of society in Ireland, in order that, having done so, he might lead them deliberately to consider, not merely whether additional powers were necessary for the executive government, but whether there were not just and sufficient grounds to break up the present state of things, with reference to the Roman Catholics, in Ireland. He would go into these details for the purpose of afterwards imploring them to consider dispassionately, whether there were a chance of permanent peace and tranquillity being maintained in Ireland, if the government remained divided as it had been—if the House of Lords and the House of Commons were still to come to different conclusions with respect to that great question, which all admitted to be intimately connected with the happiness of the sister island. He would demand of them, whether it were possible to secure tranquillity in Ireland, if they went on, from year to year, as they had hitherto done, with the Catholic question. The parties for and against it were nicely balanced. At one time the supporters of the question were just strong enough to control those who were opposed to it. At another the opponents of the Roman Catholics were successful. If they were to proceed in this way, a majority of three appearing in favour of concession in one year, and a majority of six against it in the next, it was impossible to hope for tranquillity in Ireland: a state of extreme excitation must be the necessary consequence. In this manner they had been proceeding for the last sixteen years, and the same results would be obtained, if they pursued a similar course for a century. While such a state of disunion prevailed, was there, he would ask, on either side, the most distant hope of tranquillity for Ireland? He would assert that there was not. Some one, therefore, must make sacrifices. [Hear, hear]. He knew that, according to the ideas of some, they might go on, as they had formerly done, opposing those opinions which were favourable to the claims of the Roman Catholics. Certainly they might; but he contended, that if they did so, they would not consult the true interests of the British empire; and above all, they would not take the best course for giving security to the Protestants, nor for protecting the privileges of our Protestant constitution. It was because he felt this, it was because, looking back to the past, and forward to the future—he was persuaded, if the two parties remained so nicely balanced, that a gigantic power would rise out of their dissensions superior to them both; it was because this appeared inevitable to him, that he had taken a different course from that which he had formerly pursued. His great object was, to maintain the Protestant interest inviolable—to consult the safety of the Protestant establishment—and, at the same time, to ensure the peace and tranquillity of Ireland. He had not abandoned his opinions; but he had changed his course; and he contended that he had a right to do so, when he considered the critical state of the country. There was at present, and there had long been, a nicely-balanced state of public opinion on this great question. That balance could not be maintained, beneficially for the empire; and it was impossible for them to go on any longer opposing and controlling each other, with different success, so far as respected this question. Those who watched with anxiety for the safety and security of the country, must see, that, by tranquillizing Ireland, they would ultimately promote the best interests of England. That which he recommended was not a measure forced on them by intimidation. They did not bow to any power: they judged and acted for themselves. They could not deny the fact, that, in carrying on the government of this country for the last five and twenty years, notwithstand-



ing the strong opinion of his late majesty with respect to the Catholic question, individuals friendly to that question were employed in the government. Hence division constantly arose. Mr. Pitt, whose opinions on this subject were well known, whose sentiments were on record, would not have retired from office, if it had been possible for him to have conducted this question, with adequate energy, to a successful conclusion. But, constituted as the administration was, that could not be effected; and, for the last twenty-five years, the government of the country had been confided to individuals, some of whom were in favour of, and others opposed to, the claims of the Roman Catholics. In times of great public danger, it was not difficult to induce men, though differing upon some points, to unite in one common course of action to avert a national calamity. Thus it was that Mr. Pitt, Lord Melville, Lord Castlereagh, and others who were friendly to the claims of the Catholics, were contented to act, at a period of peril, with men who felt differently on that subject; but still their disunion must have been attended with evil consequences. Now this very fact, that during the long period which he had mentioned, when the men who held the highest posts in the administration of the government entertained opinions favourable to the Roman Catholics, and yet could not effect their favourite object, convinced him, that for the future they could not hope that an administration could possibly be formed, able to command the confidence of this country, and to place Ireland permanently in a state of peace, unless there were an union of feeling upon this point.

That was the position which he was anxious to support; and if that position were true, as he believed it to be, he would entreat the House, and his honourable friends, to listen to some details relative to the present situation of Ireland, which had reference not only to the present measure, but to that which would be brought forward at a future time; and, having heard those details, he would beg of them to reflect, whether it were wise or prudent that the country should be governed by divided councils—he would entreat of them to consider seriously, whether something ought not to be done for the purpose of terminating that conflict of opinion which had so long divided the people of Ireland. He well knew the great unwillingness of individuals to hear details of this kind; but he believed, at the same time, that the deep anxiety which prevailed on this subject would overpower every feeling of that description, and would prevent the reference to those documents from being tedious to the House. He felt it the more necessary to call the attention of gentlemen to these statements, because in such details would be found the vindication of his character and conduct for the step he had taken. The House would see in these statements, why he was inclined to think that there was more good to be derived in attempting a satisfactory adjustment of the Catholic question, than in leaving it in its present state of uncertainty. Gentlemen would perceive from a perusal of these documents, why he was of opinion that there was more safety in that course for the empire, and more security for the Protestant interest and the Protestant establishment, than in suffering it to remain as it was, neglected or oppressed by a divided or a hostile government. He had extracted from the numerous and painful detail of unpleasant circumstances, which had pressed on the officers of the Irish government within the last six months to a greater degree than had ever before happened, sufficient, as he believed, to bear out all he had said. He had selected some specimens of the correspondence addressed to the government, which would show the critical state of Ireland. In doing this he could assure his honourable friends that he did not mean, in the slightest degree, to alarm their pride, as men determined to resist intimidation: he wished merely to present the facts to them, and he would suggest to them a calm consideration of those facts, as men anxious for the safety of the country, and desirous of promoting the general peace and tranquillity. He would present these details; first, with reference to the public peace of Ireland as it had been endangered during the last six months; secondly, with reference to the state of society in Ireland, as regarded the relations between man and man; and, thirdly, as respected the interests of those whom it was confessed on all sides we were especially bound to protect—the interests of the Protestant population of that country. It was very well for some persons to exclaim, “Let us persevere in resisting those claims;” but what effect was such continued resistance likely to produce? He asked gentlemen to consider that point coolly and

deliberately; and he conjured them, by the interest which they must feel in preserving tranquillity in Ireland, not precipitately to defeat a measure which was calculated to have the effect of securing peace and concord.

Soon after the close of the last session of parliament, his conviction was decided—his mind was perfectly made up on the subject—that it was absolutely necessary that the whole condition of Ireland should be taken into consideration, with a view to the permanent settlement of the question that regarded the civil disabilities of the Catholics, and he confessed that he did not anticipate that this determination would be so confirmed by the events which had intervened since that period. Let gentlemen observe, that he was not going to state any thing with a view to create alarm. He was not going to say, that there was any circumstance in what he was about to state, that could have the effect of forcing or compelling government to take any particular course. This empire was at peace with the whole world; but it was because we were at peace, that we ought not to lose the opportunity of setting this question at rest. It was because we had not for the last three or four hundred years been in such a state of tranquillity—It was because for the last three hundred years our relations of amity had not been knit so closely with all the powers of the world as they were at that moment.—It was because the Protestant spirit of Ireland had shown a determination to resist and to sacrifice every thing in a struggle rather than their honour—It was because we were happily placed in such a situation as to be able to take any course which might appear to the House fittest and best, that he now asked them to give the subject their most mature consideration, and implored them not to throw away the opportunity thus happily afforded them.

The first subject to which he should call the attention of the House was that which related to the preservation of the public peace in Ireland; and upon that subject he should lay before the House certain details which he had selected from the correspondence which had been submitted to his majesty's government during the last six months. Towards the close of the last summer, during the month of September, it was notorious that bands of peasants, to the number of eight or ten thousand, paraded through various parts of the country in a sort of military array. Those assemblies consisted of various parties; their object was not directly to attack each other; they were assembled for purposes hardly to be defined; but still they presented an array such as no man could treat with contempt, or view without apprehension. It was better that they should know the whole truth; and he hoped the House would permit him to go through the correspondence to the extent which he might conceive necessary; not only to show that the measures he was about to propose were called for, but to give an answer to the question that had been so often put to him, as to what circumstances had induced him to arrive at a conclusion so different from that which he had heretofore formed? And here he would observe, that he had selected the letters which he was about to read to the House from the correspondence of persons of no side in politics, of no colour in party—from persons who could have had no possible motive for misleading the government—from persons who could not have desired to exaggerate their statements beyond the boundaries of truth. The state of Ireland for some time past was such as to oblige the government to employ persons who acted directly under the orders of the government, and who were to the government only responsible. They could, therefore, have had no possible object in misstating facts, or misleading the government by which they were employed. The first letter he should read was one forwarded to the government by Major Carter—a gentleman whose name was universally respected in Ireland, and who was known to every individual in the House connected with that country to be as distinguished for the veracity of his statements, as for the urbanity of his manners and the energy of his conduct. This letter was as follows:—

“CASHEL, 17th September, 1828.

“Sir; I have the honour to inform you, that on Sunday, the 14th instant, there were three parades or assemblages of the peasantry, dressed and arrayed precisely as described in my former reports hereon; viz., at Templemore, seventeen miles hence, between three and four thousand cavalry and infantry, having drums, fifes, and banners, and attended by about ten thousand people, the majority carrying green branches; at Killenaule, ten miles hence, fifteen hundred cavalry and infantry,

accompanied by about six thousand attendants, with green boughs; and at Caher about the same number. No disturbance occurred at any of those meetings: they have been generally addressed by some influential person of their own class, who, after alluding in violent language to their political disabilities, and desiring them to continue united for the attainment of their object, then recommended them to relinquish old feuds, obey the laws, and thus render the interference of the police unnecessary. Although the usual appearance of those assemblages is ridiculous, yet they cannot be deemed contemptible, because they are in direct opposition to the admonitions of the priests, or interference of respectable farmers of their persuasion, who now find they cannot restrain or prohibit this display of a force mustered by parishes, and encouraging amongst them the worst of characters."

"WILLIAM GREGORY, Esq., &c. &c. &c."

He did not mean to say, that there had been any violations of the law by the persons assembled on these occasions, but yet it was such a demonstration of force, that it became imperative upon the government to check and control it by the demonstration of a force superior to it; and he had no hesitation in saying, that had his Majesty's Proclamation upon the subject not been promptly obeyed, it would have been controlled, if necessary, by the whole energies of the government of the country. It would be asked, whether these demonstrations intimidated the government? To that he would answer, that they did not. It was because they provoked a correspondent demonstration on the part of the Protestants. The apprehension was, not that the government would be stormed—not that the government was in danger—but that vengeance would be carried to a great height between two parties, natives of the same country, and differing only in respect to their religion. Government wished to prevent such meetings, either of Catholics or Protestants, and a proclamation, which must be known to every one, was published. Another gentleman, Major-general Thornton, had addressed the following letter to the Irish government:—

"*ARMAGH, September 30, 1828, half past four, p.m.*

"My Lord; with reference to my letter of yesterday, I beg to acquaint your lordship, for the information of the Lieutenant-general commanding, that in the course of last evening, the Sovereign of this city ascertained to a certainty that — had no intention of coming here this day, and in consequence sent off a communication to that effect to every neighbouring town or person supposed to have any leading influence among the Protestants, to prevent their proposed assembly here to-day, in that multitudinous crowd which was expected; but, notwithstanding all the precautions taken for that purpose, and the vast numbers prevented from coming here, I am informed by the Sovereign that about twenty thousand had marched in, which they did, in separate divisions, according to the directions from whence they came, with drums and fifes, some few flags, many with orange and other coloured ribbons, and a large proportion of them with fire-arms and other weapons.

"The great body of them, however, have now left the town on their return home, and no doubt is entertained that the day will pass over without any serious outrage being committed.

"The two companies of the 56th Regiment intended for Newry, which were halted here this day, will accordingly proceed to their destination to-morrow. I have, &c.

(Signed)

WILLIAM THORNTON,  
Major-general."

The consequence of these movements was a determination on the part of his Majesty's government to suppress all such demonstrations, if it became necessary, by force; and he had no doubt that by force the government could easily have effected that object. An hon. friend near him said, he was perfectly sure that such meetings might have been put down by force. To be sure they could. But he would ask his hon. friend, if the application of force had been successful, "where should we have been then?" To be sure, the government could have vindicated its authority by force; it was certain to have succeeded; but who could reflect upon the consequences without shuddering? Instead of this, they issued a Proclamation, which ran thus:—

" A PROCLAMATION by the Lord-lieutenant-general and General Governor of Ireland.

" ANGLESEY.

" Whereas, in certain counties in this part of the United Kingdom, meetings of large numbers of his Majesty's subjects have been lately held, consisting of persons both on foot and on horseback, coming together from various and distant parts and places, acting in concert and under the command of leaders, and assuming the appearance of military array and discipline, or exhibiting other marks and symbols of illegal concert and union, to the great danger of the public peace, and to the well-founded terror and dread of his Majesty's peaceable and well-disposed subjects.

" And whereas we have received information that in other parts certain persons have been passing through the country, provoking and exciting the assemblage of large bodies of people, for no purpose known to the law, to the great terror of his Majesty's subjects, and the endangering of the public peace and safety.

" And whereas the meeting and assembling together in such numbers, and in such manner as aforesaid, and thereby occasioning such dread and terror, and endangering the public peace, is a manifest offence, and an open breach of the law, and such unlawful assemblies ought therefore to be suppressed and put down.

" And whereas many well-affected but unwary persons may be seduced by divers specious pretences given out for the holding of such assemblies, and in ignorance of the law to frequent the same.

" We, therefore, the Lord-lieutenant-general and General Governor of Ireland, being resolved to suppress and put down such illegal meetings, and to prevent the recurrence thereof, have thought fit to issue this Proclamation, solemnly and strictly warning all his Majesty's liege subjects from henceforth to discontinue the holding or attending any such meetings or assemblies as aforesaid; and do charge and earnestly exhort them, to the utmost of their power, to discountenance all meetings and assemblies of a similar nature, and thereby to prevent the dangers and mischief consequent on the same; and being determined and resolved strictly to enforce the law, and the penalties thereof, against persons offending in the premises, do charge and command all sheriffs, mayors, justices of the peace, and all other magistrates, officers, and others whom it may concern, to be aiding and assisting in the execution of the law, in preventing such meetings and assemblies from being held, and in the effectual dispersion and suppression of the same, and in the detection and prosecution of those who, after this notice, shall offend in the respects aforesaid.—Given at his Majesty's Castle of Dublin this 30th day of September, 1828, by his Excellency's command,

(Signed) F. L. GOWEN."

Providentially, the advice given in that Proclamation was not neglected. And let any one consider the system which prevailed in so many different parts of Ireland; let him consider, that a mere spark might have kindled one of the most fearful conflagrations—a conflagration to be quenched only in blood; and then let that person say, whether he did not rejoice with him that the Proclamation was obeyed, and that it was not necessary to have recourse to force. Would any one tell him that it was fear—that it was cowardice—that it was a discreditable feeling, from which this Proclamation emanated? He trusted not: he trusted that no man could doubt, that the feeling which dictated this Proclamation, was the dread lest it should be necessary to have recourse to a power which must have been effectual. This was the dread which his Majesty's government entertained, when they viewed the actual condition of Ireland; and though it had been called cowardice and fear, he looked upon it as a legitimate and an honourable apprehension, which the boldest and the bravest might entertain and not blush to avow. He would read to the House the terms which were used by a distinguished officer—one of the bravest among the brave—a man who had distinguished himself by his skill and valour on so many occasions that it would be doing him injustice to name any specific instance. The gentleman to whom he alluded was General Thornton, who, speaking of the events at Ballibay, and of the anxiety which he felt to prevent the collision of parties which was there likely to take place, in reference to the conduct of Mr. Lawless, wrote thus to the noble Secretary for Ireland:—

"ARMAGH, Sept. 28, 1828.

"My Lord; it is but fair in me to confess that I purposely used such language, with the view of better securing the ardent co-operation of that gentleman, to prevent, on the part of the Roman Catholics, any breach of the peace at Monaghan, knowing as I did, how highly their feelings had been excited on the 23rd instant, by their having been disappointed in their intention of proceeding in procession through the town of Ballibay, and uncertain as I was of the degree to which their irritation had been increased by the casualties which unfortunately occurred to two of their persuasion on the night of that day.

"It therefore appeared to me to be my paramount duty to use any and every means in my power to prevent a collision between the two parties, from which a flame would have inevitably arisen, and extended itself to a limit beyond the possibility of conjecture; as the Lieutenant-general is aware that there was no adequate military force at hand which in such a case could have been interposed, as its total amount at the three posts of Armagh, Monaghan, and Clones, including the Jail-guards at the two first-mentioned places, only amounted to about one hundred rank and file. Nor was there another soldier to be obtained at Monaghan beyond that number nearer than from a distance of twenty-five miles. I have the honour to be, &c.

(Signed) WILLIAM THORNTON,  
Major-general."

Now, of the consequences that might have followed the collision, as far as the power of the country was concerned, General Thornton could have had no apprehension; but he had that honest, that legitimate apprehension, which led him to dread that inhabitants of the same country, that subjects of the same king, should be involved in all the horrors of civil commotion—a commotion in which the success of either party would have been an equal calamity. Like an honourable man he strove to avoid that which every well-wisher of his country would have regretted if it had happened.

Thus much, then, for the danger to which the tranquillity, the public peace of Ireland was exposed. Let the House now turn to the condition of private society in that country. This, he confessed, was the part of the subject that dwelt most heavily upon his mind. Dreadful as were civil commotions to those who engaged in them, they could excite no fear in him, no feeling in him, but that of commiseration for the unhappy persons who suffered by them. But when he looked at the state of society in Ireland, and at the condition of the Protestant inhabitants of that country, his mind was filled with the deepest apprehension. He would ask every gentleman to follow him in the statements which he was about to read, and to tell him whether such a condition of affairs could be allowed to remain.

"November 10, 1828.

"The constant travelling to which I am now subject has prevented me transmitting earlier, for your information, the usual report of outrages, &c., during the preceding month. The enclosed detail and summary of occurrences exhibit several instances of cattle houghed, three burnings, six cases of arms taken, six threatening notices, one dwelling levelled, fourteen houses attacked, five persons assaulted, two of cattle stolen, one barony only in the county being free from crime. Two cases of decided resistance to the ordinary process of the law, in civil matters of property, obliged the sheriff to call out the military, in conjunction with the police; the first affair at ———, on the 30th ult., where I attended him with thirty police and sixty regular infantry. He also brought a military and police force, accompanied by a magistrate. Authentic information having been received of the determination of the peasantry to resist with arms the sheriff, who had been forced to relinquish a former attempt to execute an *habere* on those lands; and, on the 6th instant, the sheriff was called upon by writ of assistance to protect, with military, &c., a receiver from the Court of Chancery, who had been threatened and forced to fly from some neighbouring lands, when endeavouring to distrain for rent, &c., under a decree of court; forty military were brought to support the police on this duty, and in both these cases the sheriff fully succeeded, from the awe produced by the forces employed. The animosity excited against those who have joined Brunswick clubs still prevails. Suspicion of belonging to such a society is sufficient to produce insult to the higher, and want of

employment to the lower, orders. Recommendations for exclusive dealing are privately and publicly disseminated, and thus invidious distinctions are fomented between Protestants and Roman Catholics.

"In the barony of ———, on the 22nd ult., the labourers employed by the ——— were compelled by a body of five hundred men to leave his potato digging. The same body dictated similar laws to the workmen engaged by three different Protestant gentlemen in the same remote part of the county, and some difficulty in procuring potato diggers has been experienced by other Protestants. But I trust the discretion of the priests (who have published their disapprobation of such combinations, in the address circulated by them in ———, on the 26th ult., a copy of which I have transmitted) will correct this monstrous evil.

"I am led to believe the division of parishes into hundreds, with officers called 'Pacifcators' and 'Regulators,' is proceeding; but I conceive the vigilance of many magistrates is directed attentively to such proceedings, and the general excited state of the country.

(Signed) ———"

"———, &c."

Now, he would not ask, what force could be applied here—what rigour of the law would remedy such a state of things? Was there not the clear indication of a diseased mind throughout the whole of these occurrences? He knew not what legal remedy could be effectual under such circumstances, or what hope could be reasonably entertained, if they were to remain in the relevant position they had occupied for so many years past. Again, as to the state of society in Ireland, he begged the attention of the House to the following letter:—

"CLOGHER, Dec. 23rd, 1828.

"Sir;—I have the honour to enclose you a copy of an examination sworn before the magistrates at Augher petty sessions on this day, which can be corroborated by the testimony of probably fifty other respectable persons.

"I have to acquaint you, that party feeling has increased considerably in the town and vicinity of Augher, in this district, and has assumed such a formidable appearance as to cause a dread of the most alarming consequence to the peaceable and well-disposed inhabitants of that neighbourhood.

"I am further to acquaint you, that on the day mentioned in the examinations, there was a fair held in Augher, on which occasion I assembled all the men of my district, for the purpose of keeping order in it, and succeeded in doing so, and by the direction of the magistrates (previously received), I cleared every person out of the public-houses, and had them closed up by five o'clock, when all was perfectly tranquil; and I can almost say that not an individual, except the inhabitants of the town, remained in it after that hour.

"I am to add, that the party which entered Augher at eight o'clock, about five hundred men in number, came from the neighbourhood of Through, in or on the mountainous borders of the county of Monaghan, and were, I understand, all Roman Catholics; they cried out 'Through for ever! Augher is our own.' The inhabitants then made an effort from their houses to drive them out of the town, and I am informed wounded many of them, none of whom, or their friends, have as yet come forward to make any statement respecting the matter. Intelligence of the attack on Augher having reached some of the Protestant party in the neighbourhood, they, I am informed, went in towards morning for the purpose of supporting their friends in the town, but as the party who entered early in the night had retired, the matter ended.

(Signed) ———."

Here there was a statement of many persons being wounded, but there was no manifestation of a disposition to make any application for redress to the law. The conflicting parties took the means of redress into their own hands; they awaited the opportunity of retaliation: and was this, he again asked, a state of things which with any propriety could be permitted by government to go on? After having been obliged, day after day, for four months, to read over documents and reports, of which what he had now read to the House were but specimens, was it to be made matter

of charge and blame against him, that rather than leave these things to go on, he had attempted a safe adjustment of the causes of the dissensions, from which this calamitous condition of affairs had sprung? In making this attempt to vindicate the authority of the law in Ireland, he was principally actuated by a desire to see the condition of the Protestants of Ireland altered and secured—to see Protestant interests and Protestant establishments no longer exposed to the dangers which menaced them. The protection of these objects were motives fully as strong with him as the reasonable gratification of the wishes and claims of others, in pursuing the course which a sense of duty on this occasion had pointed out to him. Let the House consider what was the present condition of the Protestants of Ireland—let them consider the threatening notices, in many instances, sent to them—the menaces of violence, and frequently the commission of violence upon them—the refusal, on the part of their Roman Catholic tenantry to work for them. They lived, not as we did, but in residences in remote places, and exposed to the greatest dangers. The authors of the attacks upon them he held in abhorrence: but, was he to stop there? Was he to be content to pity them, and leave them still unprotected? Let the House read the situation in which they are placed, from the following statement contained in a letter, addressed to Major Warburton, of the police:—

*“ November 6th, 1828.*

“ Sir;—I have to report that last night threatening notices were posted up on the house of —, and on other places on the Townlands (which are situated within a mile and a half of his post), desiring no person to attempt working for ‘the accursed —,’ as otherwise they should be treated with the utmost severity.’ The consequence is, the gentleman, who is extensive in farming, is left by all his workmen, who say they regret it, but would be afraid their houses would be consumed, or some other harm happen to their families, if they would, as they say, ‘go against Captain Rock.’ The only cause I have heard assigned for this exclusive system being acted upon in this case is, that some days ago — attended a Brunswick-club meeting, and enrolled himself a member thereof. (Signed) —”

It would be unjust in him not to state that the gentleman referred to in this letter would not have attended this club, if it had not been for the threats which had been conveyed to him, and for the preceding provocation he met with. He thought himself bound to state this, lest the contents of the letter should produce an effect which, from peculiar circumstances, it ought not to produce. Thus a gentleman, in extensive business, who had committed no legal offence, no act for which he could be called in question, was deserted by all his workmen, upon whom an influence was exercised which they were afraid to resist. He thought it necessary that these facts, which were material to a correct understanding of the subject, should be brought before the House, and he hoped, therefore, that no apology would be thought necessary for his reading them. The following letter was also addressed to Major Warburton:—

*“ November 1st, 1828.*

“ Sir;—I have had the honour of receiving your letter, covering one from Mr. —. I called on him yesterday, and from the information I received, as well as from my personal observation, I regret to say Mr. —’s statement is too true. He has a number of Roman Catholic tenants, and although they have no lease, and knowing he can dispossess them whenever he pleases, they all have refused to work for him. He told me if they persevered, he was determined to turn every one of them out, and to send for Protestant tenants. I reasoned with him on this subject, and told him I thought it would be a very imprudent proceeding at this time, when the minds of the people were in such a state of fermentation. He seemed to agree in opinion with me, and said, if he was obliged to have recourse to such harsh measures, it would be with much reluctance; but he saw no other alternative left. He should either do that, or leave the country. This was a remedy which had not unfrequently been recommended, and which had been resorted to on many occasions.

“ In short, Sir, it would be almost impossible to give a full statement of the unfortunate situation of affairs in this neighbourhood. Until some measures are taken to reconcile those party feelings which at present exist to such an alarming degree, I would

most earnestly and respectfully suggest the necessity of augmenting the police stations at \_\_\_\_\_, and \_\_\_\_\_, and \_\_\_\_\_; that constant patrols would be kept up both by day and night for some time, until the violent party feeling shall subside.—It would be a most fortunate circumstance for both parties if a reconciliation could be effected, for so violent is the feeling existing at present, that a Protestant could not go a mile from his own dwelling without running the risk of personal violence, or perhaps loss of life; and on the other hand, if the Catholics were literally famishing, they would not work a day for a Protestant. I have, &c.

(Signed) \_\_\_\_\_

The following letter, enclosing the preceding one, was forwarded by Major Warburton to government:—

*November 1st, 1828.*

"My Lord;—I have the honour to enclose a report from Mr. \_\_\_\_\_, detailing the state of public feeling in the neighbourhood of \_\_\_\_\_. I shall write immediately to him to try every possible means to reconcile the parties. I fear, however, it is hopeless; and that the excitement will rather increase as the winter advances; the people there very seldom have much agricultural labour during the winter, and are so far independent of their employers, and at liberty to show hostility.

"With respect to Mr. \_\_\_\_\_'s suggestion to increase the police force, I really have not the power, without stripping other stations, or withdrawing them altogether; unless a strong force were sent, they would be ineffectual; and to send such, might only expose other districts to disturbance, by withdrawing the men from them. I request the honour of his excellency's instructions on this point. I have, &c.

(Signed) \_\_\_\_\_

"The Lord F. L. Gower, &c. &c."

He would read no more, but content himself with observing that this was a specimen of the correspondence which, for the last four months, had been poured into the Office of the Home Department in Dublin. He had thought it necessary to call the attention of the House to these details, in order to prove, from sources which were indisputable, three things:—first, the dangers which threatened the public tranquillity in Ireland; secondly, the state of the intercourse between man and man; and thirdly, the position in which the Protestants were at present placed in Ireland. He was ready to confess, that the perusal of these communications, which were almost of daily recurrence, had made a deep impression on his mind. He did not entertain any apprehension that the government in Ireland would be endangered by civil commotions, nor, at the same time, was he quiet under the consciousness, that in the event of any such calamity the government was sure; for it was impossible for him not to see that the evils which had made this impression on him, sprang from a diseased mind; and seeing that, was it to be supposed that he could be so obdurate and insensible as not to wish that some remedy could be found for them? He would not exchange the feelings to which the perusal of these lamentable occurrences gave rise in his breast, for the reputation of the hardiest courage. But he had another object in going through these details. He had gone through them for the purpose of entreating his honourable friends to give to these facts their most serious consideration, and then to figure to themselves what consequences they could reasonably expect if such a condition of things were allowed to remain without a remedy. He knew very well it had been said by some, that the only two measures that were necessary were, the suppression of the Catholic Association, and the abolition of the 40s. freeholders. He knew it had been said, that if the government would only act boldly, and press on those measures, no other would be necessary; much less such a one as that now in contemplation. But he called upon honourable gentlemen who held this language to consider calmly whether, in the present state of Ireland, these two measures, unaccompanied by any other, could receive the sanction of that House. He called upon them to consider, if these were the only measures which government ought to propose. It had been said, that if government were to propose them, there was no doubt they would succeed. He was ready to believe that such a proposition would receive much individual support; but he called upon them to look upon the present state of Ireland, and tell him if he, as an



honest man, could advise the proposition of measures which, if they were to fail in carrying, would increase animosity where it already existed, and give rise to it where it did not. For his own part, he must be brought to act upon much less honourable motives than had ever yet actuated him, before he so far lost sight of the interests of the Protestants of Ireland, and of the safety of the Protestant institutions of the country, as to reconcile it to his mind to bring forward propositions which he knew could not be carried, and which alone he did not believe capable of restoring tranquillity to Ireland, if they were carried.

He had thought it necessary to make this appeal to his hon. friends, and to notice, as he did not concur in them, the views which some hon. gentlemen entertained of the policy which ought to be pursued by the government towards Ireland. He trusted that the House would think that the details he had entered into justified the government in asking for more enlarged powers than they had at present. Doubtless the government would be as blameable in asking for other powers, as they would be in exercising them in the absence of necessity; but, whatever opinion might be entertained upon what was called the Catholic question, he was sure there would be no difference upon the question of arming government with powers which, in all probability, would merely have the effect of removing the necessity of using them; but which at most, would merely add greater force where greater force ought to exist in times which he would not anticipate. The only part of his task which it now remained for him to perform was, to state the nature of the measure which he was about to propose. He should propose such a measure as would suppress the Catholic Association, and interdict all meetings of a similar nature. The next consideration would be, by what provisions of law the intentions of the legislature should be expressed. They should be of such a nature as could not be evaded, and as would effectually prevent tricks and devices being resorted to, in order to keep within the letter of the law, while the spirit was infringed. If measures were worthy of receiving the deliberate sanction of the legislature, it was well worth while to take care that they should be obeyed. Measures passed by that House had been defeated; and the intention to defeat them had been signified, even before they were passed. In his opinion, it was much better that they should do nothing, and he would rather they did nothing, than that what they did should be evaded. By the act of 1825, it was intended to suppress the Catholic Association and other assemblies of a similar character. The provisions of that act, however, were so wide, that they would have interdicted almost any meeting, and it was therefore necessary that some meetings should be excepted from the operations of it. These exceptions consisted, for the most part, of meetings for the purposes of education, agriculture, commerce, religious worship, &c. It was perfectly notorious how many advantages had been taken of these exceptions—how many meetings for political purposes were assembled under the pretence of objects foreign from those the persons assembled had in view—how repeatedly the technical enactments of that measure had been complied with, while the spirit of it was violated. It was clear, then, that they must enact a law more complete and more binding than the act to which he had referred—that the exceptions, in the proposed measure, must be much less numerous than they were in the last. He was not insensible to the difficulties of making such an act as, in the present state of Ireland, could not be evaded, unless indeed they were to pass a law, which there would be no difficulty in framing, that should effectually and at once suppress illegal meetings; but he very much doubted the propriety of such a measure, for it must declare that every political meeting was illegal; and if such a law were passed, and every body were left to enforce the provisions of it, he confessed that, as Ireland now was, he could not say that they would not be improperly enforced—that they would not be enforced for purposes, to say the least of them, very unjustifiable. In his opinion, the more they departed, in legislating on a subject like this, from the general principles of their laws, the more they stood in danger of having their enactments evaded. A more dangerous precedent than the successful evasion of acts of the legislature could scarcely be conceived. He proposed to meet this danger by the most effectual means that occurred to him, while at the same time he opposed the strongest barrier to individual abuse. It was the intention of his Majesty's ministers to commit the enforcement of the law to one person only. It was their intention to commit to him, who was fully cognizant of the

state of affairs in Ireland, and who was also responsible for the tranquillity of that country, the new powers with which the House were now asked to invest the executive government. He proposed to give to the Lord-lieutenant, and to him alone, the power of suppressing any association or meeting which he might think dangerous to the public peace, or inconsistent with the due administration of the law; together with power to interdict the assembly of any meeting of which previous notice shall have been given, and which he shall think likely to endanger the public peace, or to prove inconsistent with the due administration of the law. In case it should be necessary to enforce the provisions of the law by which these powers would be conferred, it was proposed that the Lord-lieutenant should be farther empowered to select two magistrates, for the purpose of suppressing the meeting, and requiring the people immediately to disperse. It was proposed, moreover, to interdict any meeting or association which might be interdicted from assembling, or which might be suppressed, under this act, from receiving and placing at their control any moneys, by the name of rent, or any other.

This was the general outline of the measure. He thought that moderate penalties would be sufficient for the infringement of this law; and he considered that it would be by no means necessary to propose any measures of a permanent nature. He was decidedly of opinion, that the measure ought to be limited. He was perfectly sure that parliament would not only continue these powers, but that they would consent to increase them, if such a case of necessity were made out. He was perfectly sure that there would not be the least hesitation, on the part of that House, to arm the government with such powers as they might require, if the public peace were endangered, after an adjustment of the other question had been made. That adjustment, he would repeat, would be founded upon a basis which it was hoped would satisfy every reasonable Protestant, and remove every just complaint on the part of the Catholics; and he could not bring himself to doubt, that after such an adjustment had been made, the Protestant mind would be so united, that the law would be effectually supported and upheld. But with respect to the duration of the law in contemplation. The late act was made to continue for two years, and to the end of the then next session of parliament. He proposed to make the present act of shorter duration—to limit it to one year, and the end of the then next session of parliament; because he was satisfied, that there would be no objection to continue it, if there should be any necessity for its continuance.

He trusted he had proposed a measure which would be deemed satisfactory by the House. He had endeavoured to propose a measure which should be as effectual as possible; at the same time, he had been anxious that the character of the measure should be such as to create no dangerous precedent. It was merely a temporary measure; and if the powers it conferred were of an extraordinary nature, it was because the state of Ireland required the application of an extraordinary measure. Thus, then, he had endeavoured to perform the duty that had devolved upon him; first, by demonstrating the necessity of the measure; and secondly, by justifying the government in asking the House to consent to it, by the appeal which he had made to authentic sources of information. He had endeavoured, moreover, to perform this duty in such a manner as might not obstruct, in any way, the success of a still greater and more important measure. He would now move, "That leave be given to bring in a bill for the Suppression of dangerous Associations or Assemblies in Ireland."

At a subsequent period of the evening, Mr. Peel, in answer to a statement of Sir E. Knatchbull, that he had allowed himself to be cheered through the country last summer as the champion of the Protestant cause, when he must be conscious of the course which it was his intention to pursue, declared upon his honour that, at the time to which the hon. baronet alluded, although he had made up his mind with respect to the course which he should pursue, he had every reason to cherish a sanguine hope that he should be allowed to take that course as a private individual, unfettered by office. A circumstance had, however, occurred, which left him no alternative on the subject; but the time had not yet come at which he could fully explain that circumstance.

Several hon. members having declared their sentiments, Mr. Peel rose to reply. He said, that the almost unanimous acquiescence of the House in the propriety of

the measure which it was his duty to propose to them on this night, would have relieved him from the necessity of saying one word in reply to the observations which had fallen from some hon. gentlemen opposite; and he should have remained altogether silent had it not been for the strong, and indeed personal, appeal which had been made to him by the hon. member for Dorsetshire, whom he hoped he might still be allowed to call his hon. friend. The hon. member had pointedly asked him how this Catholic Association had acquired its present power and influence in Ireland? And had then proceeded, in taunts and reproaches, strong but unjust, to assail him for his conduct on the present occasion. My answer, continued Mr. Peel, to the question, Why we did not suppress the Catholic Association? is, That our forbearance arose, in a great measure, from the peculiar state of disunion and division which had prevailed in the government upon this question, and which, in fact, had so placed us, that it would have been impossible to have effectually suppressed such an association, while the cabinet maintained a neutrality upon the Catholic claims, and refrained from a determination to take the subject into consideration. As long as the government remained neutral, my firm conviction is, that no act intended for the suppression of the Association would have passed, and that the attempt would have only aggravated the evil. But of all the reproaches that have been cast upon me by my hon. friend, the most severe is that contained in the question—why had I so long delayed the intimation of my opinion, that the very worst state in which this question could be left, was that so long acted upon, of neutrality on the part of the government? I had not delayed it. On the contrary, I had communicated it to my noble friend at the head of the government, and I have acted upon it, the very first moment when the subject could be introduced to the consideration of the legislature [hear]. When, however, the hon. gentleman, in addition to his other taunts, casts reproaches upon all the members of his Majesty's councils, and imputes to them a concurrence in some species of conspiracy to augment the power of the Catholic Association, that they might afterwards use such a circumstance as a pretence for settling this question, he indulges in an accusation so absurd and extravagant in itself, that I really cannot give it a serious reply. That the government should have wilfully precipitated Ireland to the verge of civil commotion, to make out a good case for the adjustment of the Catholic question, is, I repeat, too extravagant to call for any reply. But when it is said, that there was perfidy in permitting this Association to exist in defiance of the law, I must vindicate the Marquis of Wellesley from any disinclination to suppress it, when he was intrusted with the statute of 1825, if he were convinced of the expediency of taking such a course. There was no man more ready than that noble lord to vindicate the authority of the law; but he shrank from the particular task, when the chance of failure would, he knew, have aggravated all the evils with which he had to contend in his government. If I were to state why we did not enforce the act of 1825, I should necessarily have to go into the whole detail of public events in Ireland during the last four years; and, after all, my answer would resolve itself into this—that the continued division and disunion in the king's councils was the real cause why the act was not carried into vigorous execution. When the act to suppress the Association was passed in 1825, how did the House follow it up? Why, by proceeding forthwith to the consideration of the Roman Catholic claims; and in that very session, and before the Association Suppression Act left the House, a bill was introduced, which subsequently passed this House, to admit Roman Catholics to the full privileges of the constitution. Did not that tend to paralyze the measure for the suppression of the Association? [hear, hear]. The latter bill, indeed, was lost in the Lords; but the excitement continued; and this House, as it were, issued a solemn declaration, that the act of 1825 was not an effectual remedy. When it consented to pass the law for the suppression of the Association, it recorded its opinion, by passing another measure for granting the claims, and thereby admitting that the act of 1825 was not an effectual remedy. These, I say, were the causes that prevented the effectual operation of that law. With regard to the reproaches of my hon. friend, I am not disposed to treat them with callousness or indifference; but I am supported in my course by an intimate conviction, that government are right in the step which they have recommended to parliament, and that, had they not taken it, under the existing circumstances of the country, they would have done any thing rather than what would have been con-

ducive to the support of those establishments, for which hon. gentlemen opposite profess to have so deep a concern.

I wish not to say one word more of the personal attacks which have been made upon me; but really the attack of my hon. friend (Mr. Bankes) was too pointed; it was more than I could well bear; and I must say, that it was certainly to be admired more for its boldness than for its justice. When, however, my hon. friend feels inclined to be so severe upon what he terms my inconsistency, and to find any defence of it impossible, I am disposed to ask him, whether he did not himself change his opinion in one session of parliament upon this very question, and whether he ought not now in his own just defence upon that occasion, to have found mine upon the present. I allude to the debate upon Mr. Canning's motion in the year 1812, which motion was couched in the following terms:—

“That this House will, early in the next session of parliament, take into its most serious consideration the state of the laws affecting his majesty's Roman Catholic subjects in Great Britain and Ireland, with a view to such a final and conciliatory adjustment, as may be conducive to the peace and strength of the United Kingdom, to the stability of the Protestant Establishment, and to the general satisfaction and concord of all classes of his majesty's subjects.”

When I ask my hon. friend, what were the reasons which could have induced him to consent to such a proposition, I find in his own vindication at that time the whole substance of mine at the present moment, and upon his words I rely, without adding a syllable in further explanation of them.—Mr. Peel then proceeded to read from *Hansard's Parliamentary Debates*, for the year 1812, the following expressions used by the hon. member for Dorsetshire in supporting the above resolution of Mr. Canning:—

“Mr. Bankes hoped it would never be a point of honour with any government to persevere in measures after they were convinced of their impropriety [hear, hear]. Political expediency was not at all times the same; what at one time might be considered consistent with sound policy, would at another be completely impolitic. Thus it was with respect to the Roman Catholics. What changes had not taken place in the question itself, as well as in the minds of the House, since it was last agitated? [renewed laughter]. These were, however, circumstances which ought not to render the question more difficult to be met, as the House was not called upon to argue upon principles which were applicable to other times and to other views.”

I quote these remarkable expressions, not by way of reproach, but as the vindication of an honourable mind, in taking an altered course under altered circumstances, and reconciling itself to the reproach of apparent inconsistency, rather than compromise the essential interests of the country [cheers].

Mr. Bankes said, he hoped the House would indulge him for a few moments, after the allusion which had just been made by the right hon. gentleman. He was perfectly aware of the circumstances under which he became a party to the resolution moved by Mr. Canning at the end of the session of 1812, and was then exceedingly desirous it should be settled satisfactorily. But the moment he had ascertained that it was nothing short of accession to both Houses of Parliament that would satisfy the Catholics, he determined to resist claims which, if acceded to, would put an end to the Protestant Establishment in Ireland.—He had never complained of the change of any public man's opinion upon conviction. On the contrary, he had often praised such a correction of previous impressions. But his right hon. friend's change had not been marked by his usual candour: for what had he told them? Nothing, but that his opinions had undergone a total change, upon information known to himself, but not yet communicated to the House. His case was not, therefore, before them, although he required the opinions of others to be intrusted to him by anticipation.—He repeated, that in 1812 he was ready to concede political power to the Catholics, short, however, of their admission to both Houses of Parliament. Whoever took the trouble of reading that debate, would see that there was no discrepancy between his former and his present opinions.

Mr. Peel, in explanation, begged to say, that he did not make an attack upon his hon. friend. But when such unusual language had been applied to him in the debate, as base tergiversation, base connivance, had he not a right to quote the force of his

hon. friend's just distinction in his own case, as a complete and satisfactory vindication of the course which he was now himself pursuing?

Leave was then given for bringing in the bill. It was immediately brought up by Mr. Peel, and read a first time.

## PETITIONS FOR AND AGAINST ROMAN CATHOLIC CLAIMS.

FEBRUARY 12, 1829.

MR. SECRETARY PEEL rising immediately after Lord Clifton, who had succeeded Sir E. Knatchbull in the debate, in a tone and manner indicative of strong feeling, observed, that of course he was bound to presume that the hon. baronet, the member for Kent, was influenced, in the reproaches which he had thought proper to cast upon him, by public motives alone. He would, however, tell that hon. baronet, that he would not condescend to make any apology to him for the conduct which he had thought it his duty to pursue. He would not condescend to explain to the hon. baronet the reasons which had induced him, as a responsible adviser of the Crown, to give to the Crown the advice which he had given. He knew of no relation in which he stood to any man; he knew of no relation in which he stood to any body of men—which called upon him to state why, when he was sent for by his sovereign to give, at a critical moment, that advice which he was bound on oath to give to the best of his ability and judgment—he should have refrained from doing his duty. He had contracted no relation with any man—he had contracted no relation with any party—which could either relieve him from the obligation of giving his majesty the best advice in his power, or which could justly subject him to the charge of having been guilty of inconsistency, or of a dereliction of principle in so doing. He repeated, therefore, that he would not condescend to look out for excuses for the line of conduct which, under these circumstances, he had determined to pursue. As a member of that House, he felt himself as independent as the hon. baronet, and in every respect as consistent. But very different would have been his feelings if he had not advised his king, as he had done, to the best of his abilities. He had taken his oath as a member of the privy council, and that oath not only compelled him to give the advice which he had given to his sovereign, but it would have rendered the withholding of that advice a dereliction of principle, and a strong violation of his duty. He had, and he trusted that he ever should have, firmness and strength of mind to forget in the councils of his king, what had been his past declarations and his past conduct, under circumstances which rendered neither applicable to the actual state of the country. He must also say, that he had firmness enough to pass by any insinuations which might be levelled against him for so doing. One observation of the hon. baronet had been, that he (Mr. Peel) might have taken his present course at a different period—when Mr. Canning was at the head of the government. He would tell the hon. baronet, that he had for the full period of twenty years resolutely and zealously opposed every compromise with the Catholics. He could tell him, that it was with the utmost reluctance that he had at length consented to break in upon the constitutional settlement of 1688; but he would also tell the hon. baronet, that he was too true and consistent a friend to the Protestant interests; he was too sincerely attached to the Protestant Establishment, to push his resistance to concessions to that point which should endanger the very existence of the institutions which he was anxious to defend; and he thought that, so far from being inconsistent in his conduct in regard to this matter, he was the most consistent friend of the Protestant Institutions of the country, seeing that, for the purpose of maintaining them in security, he had submitted to undergo every species of personal imputation and reproach. Those were the grounds on which he had acted, and they were grounds on which he had a right to act. No man was worthy of being a minister of the Crown, who, when his advice was required upon a measure of great national importance, should say, "I am fettered by declarations I have made; I am not enabled to look at the present aspect of affairs; I must consult my friends and party, in order to see my way." He confessed that these considerations held out a powerful temptation; but no man was fit to have a place in the councils of his sovereign, who could

not resist them. The hon. baronet seemed to be of opinion, that some sort of deception had been practised by the government, and that he and his friends had been taken by surprise. Now, how could government have proclaimed its intentions? Would the hon. baronet have had it resort to the newspapers? Was it possible that government could tell the world what course it meant to pursue, parliament not being sitting? How many lessons had been read, with reference to this very question, upon premature discussion? What had happened at the time of the Union? He had always contended that no pledge had been given at that period which could bind any one; but expectations, certainly, had been entertained which were disappointed. And why? Because Mr. Pitt pledged himself before he was perfectly certain that he should be able to fulfil that pledge. In 1806 and 1807, it was notorious that the same inconvenience resulted from premature declarations. He would say, that not only with respect to this question, but all others, the government which kept its own counsels was most likely to conduct the affairs of the country to advantage. He admitted to the hon. baronet, that it would have been infinitely better if he could have adopted the course which he was now pursuing in a private instead of a public station. He could only say, that every thing which it was possible for man to do, he had done, to enable him to take that station; but when the question was this—"What advice will you give? Will you advise the maintenance of the present state of things?"—"Certainly not." "Will you advise the formation of an exclusively Protestant Government, offering eternal and uncompromising resistance?" His answer was, "I cannot; because I know that such a government will fail, and in its failure will render every thing worse than at present." Then came the obvious reply, "If, then, you can take neither of these alternatives, but one course is left to be pursued—to attempt to make a safe settlement of the question, by a united government." "To do that imposes painful sacrifices." "Will you shrink from making those sacrifices, which you advise others to submit to?" He answered, without the hesitation of a moment, "Come what may, I will be the man to set the example of those sacrifices" [loud cheers].

After some remarks from Sir E. Knatchbull and Mr. W. Duncombe,—

Mr. Peel said, he cordially concurred in every word that had fallen from the hon. gentleman. He admitted the right of any member to attack the conduct of a minister of the Crown; but he also claimed for himself the right to defend his own character when it was assailed. The right was reciprocal. Once for all, he had now explained the course which he had taken upon this subject. He would now make no more reference to his own personal share in the question. He would not be betrayed into the manifestation of warmth, which he admitted was quite inconsistent with the deliberate consideration of the measures which were shortly to be submitted to the House. If he had already been betrayed into any warmth of temper, he had unfortunately been betrayed into a departure from the course which he had prescribed to himself, on proposing measures of such paramount importance. He would in future observe the recommendation of his majesty, to enter upon the consideration of those measures with the temper and the moderation which would best ensure a successful issue to the deliberations of parliament.

## ASSOCIATION SUPPRESSION (IRELAND) BILL.

FEBRUARY 12, 1829.

In the debate on the second reading of this Bill,—

MR. SECRETARY PEEL, rising after Mr. Brougham, said he trusted that the House would allow him to say a few words in answer to the observations which the hon. and learned gentleman had made upon the supposed authority which this bill gave to the magistrates of Ireland in general. The object of the clause with which the hon. and learned gentleman found fault was, to render the bill effectual, as it was admitted it ought to be rendered, if it were passed at all, and not to place the liberty of the subject under the risk of abuse from any of the local magistracy. He apprehended that, under this bill, no magistrate would have power to interfere with any assembly until the Lord-lieutenant had pronounced it illegal. He apprehended

further, that no magistrate, even after the Lord-lieutenant had pronounced it illegal, would have power to direct its dispersion, until he received express authority to that effect from his lordship. The only magistrates who had power to demand admission into any place where there was reason to believe that an unlawful association or assembly was held, were two magistrates selected by the Lord-lieutenant, and specially appointed by him to disperse it. Now, if it were possible to provide, that those two magistrates should have jurisdiction within every part of Ireland, or that they should be present in every part of Ireland at one and the same time, that would be enough: but, suppose that the parties who refused to depart from the meeting which the two magistrates ordered to disperse should escape from the place in which it was held, how were they to deal with such offenders? It was easy to say, that only those two magistrates should take cognizance of the offence so committed; but those two magistrates might be engaged in other duties at a distance from the spot where such offenders were apprehended, and thus it would be necessary to keep them in custody until those magistrates were once more at leisure to examine them. The reason for granting to the magistrates a power of summary conviction was, to prevent delay in the operation of the bill, and to give it that energy and efficacy which was so material to its success.—The right hon. gentleman then proceeded to defend the power of summary conviction given to two magistrates. If the hon. and learned gentleman could provide any means of appeal from this summary conviction, without destroying the efficacy of the bill, he should be most happy to attend to his suggestions. He would call the attention of the hon. and learned gentleman to the vast difference which existed between the penalties of the present bill and those of the bill passed in 1819, for the suppression of these associations. By the bill which was passed at that time, the magistrates had power to suppress any assembly which was sworn on oath to be dangerous. If the parties attending such meetings, after hearing their order to disperse, refused to depart, their offence was declared felony, which rendered it impossible for them to be admitted to bail, and their punishment amounted to nothing less than transportation for seven years. It appeared to him that a less punishment would meet the object which he had in view, on the present occasion. He had therefore reduced the punishment from transportation for seven years, to imprisonment for three months; and, as no bail could be given for the felony under the old act, he did not see any objection to making the conviction summary under the present. He was sure the hon. and learned gentleman would, upon consideration, see that there were sound reasons why he should not confine the jurisdiction to the two magistrates whom the Lord-lieutenant might select to put down illegal meetings. The bill was read a second time.

## PETITIONS FOR AND AGAINST THE ROMAN CATHOLIC CLAIMS.

FEBRUARY 13, 1829.

MR. SECRETARY PEEL rose to present a petition from the Chancellor, Masters, and Scholars of the University of Oxford, against the Catholic claims. The petition, the right hon. gentleman said, expressed opinions decidedly adverse to the further concession of political power to the Roman Catholics. He felt himself bound to state, that the opinions expressed in this petition were couched in still stronger terms than those used upon any former occasion. He felt himself bound also to state, that the petition had not been agreed to without due notice having been given of the intention to bring it forward; that it was agreed to by a more numerous assembly than had ever before been convened for such a purpose in the university; and that, though not carried unanimously, it was carried by a larger majority than upon any former occasion. The numbers for the petition were, 164; against it, 48. He felt it his duty to present this petition, in the absence of his hon. colleague, who was prevented from attending by a domestic calamity; and under these circumstances he felt it incumbent on him to state the circumstances under which the petition had been agreed to, and the relative numbers in favour of and against its adoption.

Later in the evening, Mr. Peel said, he could assure his hon. friend the member for Gloucester, that whatever opinion he might express, it could never shake the

perfect esteem which he felt for his character, or his decided conviction, that his hon. friend would never take any course, on any public question, without the most deliberate consideration and the most honest conviction. He rose chiefly to complain, but with perfect good-humour, that his hon. friend had alluded to a correspondence which had taken place between them. He would tell his hon. friend, that he would rather have the correspondence in question read, though private, than alluded to. When his hon. friend had written to him upon the subject of the intentions of government, his respect for his hon. friend had prevented him from adopting the course which, as a member of the government, he might have adopted: namely, abstaining from any reply; but every one knew how difficult it was, on such an occasion, to frame any reply which would be satisfactory. His hon. friend had also observed, that he saw nothing in the state of Ireland which might not have been put down by the strong hand of the noble duke at the head of the government. He fully concurred with his hon. friend in that opinion; but he would repeat what he had said before when the people had been put down by force, where should we then be? In the year 1798, the rebellion was effectually suppressed by the employment of a strong military force, and he had not the slightest doubt that the same success would attend an exertion of the same kind at the present moment. What he wished, however, to impress upon his hon. friend and upon the House, as the conviction of his mind, was, that after the most complete success, the question would remain precisely as it was, but with all animosities which before existed, doubly infuriated, and with all the relations of society, and all the connexions between man and man, poisoned to an infinitely greater extent than they were before that collision took place. Could his hon. friend, too, who expressed so much regard for the Protestant Church, contemplate the situation in which that Church would be placed by such a contest, or could he feel any satisfaction that its liberties had been preserved by that force only? The point to which they must turn their minds was, how to allay irritation; not how to exasperate it. When gentlemen argued that this question ought to be brought to the issue of a civil contest, they should not only look to the immediate issue of that contest, but should also consider what were the evils that would arise on the moment, and the long succession of miseries that would inevitably follow.

## ASSOCIATION SUPPRESSION (IRELAND) BILL.

FEBRUARY 13, 1829.

In a Committee of the whole House on this Bill,—

MR. SECRETARY PEEL, in reply to a remark by Mr. Wallace, said, it ought to be considered that, in all probability, the power which this bill went to confer would seldom be exercised; he trusted never. Unless the meetings were of a nature calculated to create alarm, or to endanger the public safety, the Lord-lieutenant would not be warranted in putting the act in force. The meetings must be continual, and must be menacing to the tranquillity of the state. Of course the Lord-lieutenant would specify the meeting against which his proclamation was directed; but he did not think they could assist him prospectively.

Mr. A. Dawson having suggested the introduction into one of the clauses of the word "procession" after the word "assembly,"—

Mr. Peel said, that the manner in which the hon. gentleman had proposed his amendment was sufficient to show that he brought it forward in perfect candour. He had, however, a strong objection to extending the sphere of the Lord-lieutenant's discretion further than the necessity of the case required; and he did not think that it would be proper to include within the operation of the bill other societies which had not been originally contemplated as its proper objects. Besides, as the law stood at present, it was quite sufficient to put down any processions which tended to endanger the public peace. In the course of the last summer processions of this kind took place to a considerable extent, and the Lord-lieutenant did not hesitate to issue his proclamation for their suppression, and the proclamation produced the necessary effect. As the law, therefore, was sufficient as it stood, he thought it



would be better to make no additional enactment on the subject. His experience in amending the criminal law had taught him that the best mode of proceeding in such cases was to use the fewest and plainest words which could express the meaning, and when once the signification was clear, any further attempt to make it plainer only created obscurity. In framing the last law to put down this Association, it had been thought proper to make some exceptions in favour of meetings for charitable purposes, for the purpose of petitioning, and for one or two other purposes. The consequence of this was, that the Association, under some one of these forms, had been able to evade the provisions of the law. The object of the present measure was, to prevent the possibility of such evasion in the present instance, by enabling the Lord-lieutenant to meet the Association in whatever form it might appear. The power which the Lord-lieutenant possessed, although discretionary, was exercised under a heavy responsibility. He begged to state, that he intended to adopt the suggestion made yesterday evening by the hon. and learned member for Winchelsea; namely, that the powers should be confined to the two magistrates to whom the order of the Lord-lieutenant should issue, and that it should extend to other magistrates, only in the event of the offending parties evading the law by flight.

## PETITIONS FOR AND AGAINST THE ROMAN CATHOLIC CLAIMS.

FEBRUARY 16, 1829.

In reply to Mr. Trant, who had quoted a passage from Mr. Peel's speech on Mr. Grattan's motion, in May, 1817.—

MR. SECRETARY PEEL said, he was indebted to the courtesy of his hon. friend (Mr. Trant) for a copy of the speech, an extract of which he had read as a warning to him against the course which he was pursuing on the present occasion. He had no doubt that it was not the intention of his hon. friend to wound his feelings by the reference; but, in one sense, he might be said to have done so; for as his hon. friend had found only one strong passage in the whole, he owned he was ashamed at having made so bad a speech [a laugh]. But, the very passage by which his hon. friend had meant indirectly to reproach him, and to confirm his own views of continued resistance to Catholic emancipation, would apply to the present circumstances, and to the course he was now taking. He would ask his hon. friend to look to the state of Ireland, and say whether the state of political excitement into which it was cast, from one end to the other, was a state in which it ought to be allowed to remain. Let him ask himself seriously, if such a state of things as put party against party,—Catholic against Protestant,—as placed the House of Lords, as it were, in opposition to the House of Commons,—whether that were a state in which a nation ought to be allowed to remain, without a hope being held out that there was to be no settlement of the question which created such division? Was not that, he would ask, a state to which the opinion of Mr. Hume, which he had quoted on the occasion referred to, would well apply? Mr. Hume, he had observed, when speaking of the reigns of James I. and his two successors, said “that a religious spirit, when it mingles with the spirit of faction, contains in it something supernatural, and that, in its operations on society, effects correspond less to their known causes than in any other circumstances of government.” It was because he (Mr. Peel) saw that a spirit of religion had mingled with a spirit of faction, and that from this mixture he foresaw consequences upon which no man could think without just apprehension, that he had come to the conclusion, that it would be better for the security of Protestant interests and the safety of Protestant establishments, to come to an amicable settlement of the question, rather than allow it to remain in its unbalanced state. It was because he feared the consequences of leaving it unsettled, that he had taken the course which his hon. friend had blamed as inconsistent. As his hon. friend had been studying the speech to which he referred, would he allow him to state, with reference to the allusion made to the British Catholics, that now, in the altered state of circumstances, he looked back with pleasure to the fact, that though he had felt it his duty to give his decided opposition to any further concessions to the Catholics of Ireland, he had not evinced an uncompromising resistance; for he had

advocated the extension of the privileges of the Roman Catholics of England? In adverting to the opinions of his hon. friend on this question, which he fully admitted were dictated by the purest motives, he would beg of him to consider attentively the principles on which he had stated and evinced his opinion, that an opposition to the measure ought to be candid; and as his hon. friend had done him the honour to notice his speech, he would venture to assure him, that his opposition would not be the less effectual, if its tone and temper were more in conformity with the spirit and principles of that speech. He would particularly call the attention of his hon. friend to the passage of the speech which he was about to read,—

“ I will avoid, as far as possible, every topic which can tend to inflame or even to give offence. I will not revive the memory of ancient struggles for ascendancy, and if any advantage to my argument might be derived from dwelling on instances wherein power has been abused, or revengeful feelings have been indulged, that advantage I cheerfully resign. I will not impute to the Roman Catholic Church any doctrines which are not avowed; and I will give to the professors of that faith the full advantage of every disclaimer they have made. If the privileges required are to be conceded, I have no wish to lessen the grace of concession. If the hopes of the Roman Catholics shall be disappointed, that disappointment I will not aggravate.” Under the altered circumstances in which, with reference to this question, he now stood, if he should be reminded of his uniform opposition to it heretofore, it was no inconsiderable satisfaction to him to have placed in his hands such a record of the spirit and temper in which that opposition was conducted.

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## IMPRISONMENT FOR DEBT ON MESNE PROCESS.

FEBRUARY 19, 1829.

Mr. Hume having moved for a “ return of the number of prisoners confined for debt in the five jails of the metropolis in the year 1828, distinguishing those in custody on Mesne Process from those on judgments entered up, and for costs of suits,” &c.—

MR. SECRETARY PEEL said, he had not the slightest objection to the production of the returns. He acknowledged the subject to be important, and deserving of serious consideration; but he could not admit that there was any ground of reflection on the government. It was often very difficult to foresee all the consequences of a wide and extensive alteration of a law which had existed for ages. The Solicitor-general had last year introduced a bill, depriving a creditor of the power of apprehending a debtor for any sum less than £20. The law was formerly confined to sums under £10. The proper course would be, to watch the progress of that measure; and if it were ascertained that no practical inconvenience resulted from it, the hon. member would then have a much better ground for proposing the extension of its principle, than any arguments derived from theory and inference made *à priori*. He was certainly inclined to think, that the best mode of coming to a satisfactory conclusion on the subject, would be by directing the attention of a commission to it. He begged to remind the hon. member, that the consequences which were predicted from legislating on these matters did not always follow. Nothing at first appeared more equitable than the practice of the Insolvent Court, where the debtor undertook to give up all his present property, and to abandon his future gains until his debts were liquidated. The hon. member must, however, be aware, that even in the working of the Insolvent Debtors' Act, great frauds were committed, and that the sums actually recovered, hardly on an average exceeded a farthing in the pound. This operated to the great destruction of that fair confidence and credit between man and man, which ought to exist in the transactions of life. The legislature ought to be cautious in interfering in such subjects. In saying this he was not giving any opposition whatever to the motion; and he would further say, that if no inconvenience should result from the recent alteration of the Law of Arrest, the principle might be further extended.

The motion was agreed to.

## MEASURE FOR THE REMOVAL OF THE ROMAN CATHOLIC DISABILITIES.

MARCH 5, 1829.

**MR. SECRETARY PEEL** rose and said :—Sir, I move in the first place, that that part of his Majesty's most gracious Speech, at the opening of the Session, which relates to the affairs of Ireland, and which recommends to Parliament the consideration of the Laws imposing civil disabilities on his Roman Catholic subjects be read.

The Clerk then read it as follows :—

"The state of Ireland has been the object of his Majesty's continued solicitude.

"His Majesty laments that, in that part of the United Kingdom, an Association should still exist which is dangerous to the public peace, and inconsistent with the spirit of the constitution; which keeps alive discord and ill-will amongst his Majesty's subjects; and which must, if permitted to continue, effectually obstruct every effort permanently to improve the condition of Ireland.

"His Majesty confidently relies on the wisdom and on the support of his Parliament; and his Majesty feels assured that you will commit to him such powers as may enable his Majesty to maintain his just authority,

"His Majesty recommends that when this essential object shall have been accomplished, you shall take into your deliberate consideration the whole condition of Ireland, and that you should review the Laws which impose Civil Disabilities on his Majesty's Roman Catholic subjects.

"You will consider whether the removal of those disabilities can be effected consistently with the full and permanent security of our Establishments in Church and State, with the maintenance of the Reformed Religion established by Law, and of the Rights and Privileges of the Bishops, and of the Clergy of this Realm, and of the Churches committed to their charge.

"These are institutions which must ever be held sacred in this Protestant Kingdom, and which it is the duty and the determination of his Majesty to preserve inviolate.

"His Majesty most earnestly recommends to you to enter upon the consideration of a subject of such paramount importance, deeply interesting to the best feelings of his people, and involving the tranquillity and concord of the United Kingdom, with the temper and the moderation which will best ensure the successful issue of your deliberations."

**MR. SECRETARY PEEL** then addressed the House as follows :—

Mr. Speaker; I rise as a minister of the King, and sustained by the just authority which belongs to that character, to vindicate the advice given to his Majesty by a united Cabinet—to insert in his gracious Speech the recommendation which has just been read respecting the propriety of taking into consideration the condition of Ireland, and the removal of the civil disabilities affecting our Roman Catholic fellow-subjects. I rise, Sir, in the spirit of peace, to propose the adjustment of the Roman Catholic question—that question which has so long and so painfully occupied the attention of Parliament, and which has distracted the councils of the King for the last thirty years. I rise, Sir, to discuss this great question in the spirit inculcated in one of those simple and beautiful prayers with which the proceedings of this House were on this day auspicated. In that solemn appeal to the Almighty Source of all wisdom and goodness, we are enjoined to lay aside all private interests, prejudices, and partial affections, that the result of our councils may tend to the maintenance of true religion and justice; the safety, honour, and happiness of the King; the public wealth, peace, and tranquillity of the realm; and the uniting and knitting together of the hearts of all persons and estates within the same in true christian charity.

Sir, I approach this subject, almost overpowered by the magnitude of the interests it involves, and by the difficulties with which it is surrounded. I am not unconscious of the degree to which those difficulties are increased by the peculiar situation of him on whom the lot has been cast to propose this measure, and to enforce the expediency of its adoption. But, Sir, through all these difficulties (be they of a public or a personal character, however disproportionate to my capacity, or galling

to my feelings) I am supported by the consciousness that I have done my duty towards my Sovereign and towards my country; and that I have fulfilled the obligations of the solemn oath to his Majesty which I have taken as his responsible minister, namely, "That I would in all matters to be treated and debated in Council, faithfully, openly, and truly declare my mind and opinion, according to my heart and conscience." According to my heart and conscience, I believe that the time is come when less danger is to be apprehended to the general interests of the empire, and to the spiritual and temporal welfare of the Protestant Establishment, in attempting to adjust the Catholic Question, than in allowing it to remain any longer in its present state. I have stated on a former occasion, that such was my deliberate opinion; such the conclusion to which I found myself compelled to come by the irresistible force of circumstances, and I will adhere to it, ay, and I will act upon it, unchanged by the scurrility of abuse—by the expression of opposite opinions, however vehement or however general; unchanged by the deprivation of political confidence, or by the heavier sacrifice of private friendships and affections. Looking back upon the past, surveying the present, and forejudging the prospects of the future, again I declare that the time has at length arrived when this question must be adjusted.

I have been called upon to state the reasons which have swayed me in the adoption of the course I now advocate, and which is in opposition to that which I have so long pursued. And for the satisfaction of those who have made this appeal to me, and for the satisfaction of the people of this country, I will endeavour to make out the case I have been challenged to establish.

I am well aware, Sir, that I speak in the presence of a House of Commons, the majority of which is prepared to vote in favour of an adjustment of this question, upon higher grounds than those on which I desire to rest my arguments. To them it is needless to appeal. But I trust that, in what I shall think it necessary to say, less with the personal object of self-vindication than with a view to satisfy the great body of the people of this empire; those who require no reasoning to convince them, will bear with me while I go through the details of an argument which has pressed on my mind with the force of demonstration. Sir, I have for years attempted to maintain the exclusion of Roman Catholics from Parliament and the high offices of the State. I do not think it was an unnatural or unreasonable struggle. I resign it, in consequence of the conviction that it can be no longer advantageously maintained; from believing that there are not adequate materials or sufficient instruments for its effectual and permanent continuance. I yield, therefore, to a moral necessity which I cannot control, unwilling to push resistance to a point which might endanger the Establishments that I wish to defend.

Does that moral necessity exist? Is there more danger in continued resistance than in concession accompanied with measures of restriction and precaution?

My object is to prove, by argument, the affirmative answer to these questions.

In that argument, I shall abstain from all discussions upon the natural or social rights of man. I shall enter into no disquisitions upon the theories of government. My argument will turn upon a practical view of the present condition of affairs, and upon the consideration, not of what may be said, but what is to be done under circumstances of immediate and pressing difficulty.

Sir, the outline of my argument is this: we are placed in a position in which we cannot remain. We cannot continue stationary. There is an evil in divided cabinets and distracted councils which can be no longer tolerated. This is my first position. I do not say, in the first instance, what we are to do in consequence. I merely declare that our present position is untenable. Supposing this established, and supposing it conceded, that a united government must be formed; in the next place I say, that that government must choose one of two courses. They must advance, or they must recede. They must grant further political privileges to the Roman Catholics, or they must retract those already given. They must remove the barriers that obstruct the continued flow of relaxation and indulgence, or they must roll back to its source the mighty current which has been let in upon us, year after year, by the gradual withdrawal of restraint. I am asked what new light has broken in upon me? why I see a necessity for concession now, which was not evident before? True it is, that this House of Commons did last year, for the first

time, recognise the principle of concession; that, last year, the division between the two Houses of Parliament was renewed. But the same events, it is said, have happened before, and therefore the same consequences ought to follow. Is this the fact? Are events in politics, like equal quantities in numbers and mathematics, always the same? Are they, like the great abstract truths of morality, eternal and invariable in their application? May not the recurrence, the continued recurrence of the very same event, totally alter its character, at least its practical results? Because divisions between the Lords and Commons can be tolerated for five years or ten years, must they therefore be tolerated for ever?

So far as my own course in this question is concerned, it is the same with that which suggested itself to my mind in 1825, when I was his Majesty's principal minister for the Home Department, and found myself in a minority of this House upon this question. When I then saw the numbers arrayed against me, I felt that my position as a minister was untenable. The moment, Sir, that I, the minister responsible for the government of Ireland, found that I was left in a minority on the question, which was of paramount interest and importance to that country, that moment I sought to be relieved from the duties and responsibility of office. I stated to the Earl of Liverpool, who was then at the head of the Administration, that in consequence of the decision given against me in this House, it was my anxious wish to be relieved from office. It was, however, notified to me, that my retirement would occasion the retirement of the Earl of Liverpool; and that such an event would at once produce a dissolution of the Administration, the responsibility of which would rest with me. I hold in my hand, Sir, the proof of this assertion. I would wish to be spared the necessity of using it, but I am ready to produce it to any person who may wish to see it.

But to proceed. Sir, I was told that the consequence of my retirement would be the immediate dissolution of the government. Lord Liverpool was then approaching the close of his career. I had entered public life under his auspices, and I shrank from the painful task of causing his retirement, and the dissolution of his Majesty's existing government. If I had acted simply in obedience to my own wishes, I would have resigned. I was induced, however, to retain office, and to ascertain the result of another appeal to the country by a general election. In 1826, there was a new parliament. In 1827, a majority in this House decided against the Catholic question. In 1828, however, the House took a different view of the matter, and though it did not pass a bill, it agreed to a resolution favourable to the principle of adjustment. That resolution being passed, I was again in the situation in which I had been placed in 1825, and I determined to retire from office. I intimated my fixed intention in this respect to the Duke of Wellington; but I felt it my duty to accompany that intimation with the declaration—not only that I would not, in a private capacity, any longer obstruct a settlement which appeared to me to be ultimately inevitable, but that I would advise and promote it. Circumstances occurred, as I have already explained, under which I was appealed to, to remain in office; under which I was told, that my retirement from office must prevent the adoption of the course which I was disposed to recommend. I resolved, therefore, and without doubt or hesitation, not to abandon my post, but to take all the personal consequences of originating and enforcing, as a minister, the very measure which I had heretofore opposed.

I was called upon to make those sacrifices of private feeling, which are inseparable from apparent inconsistency of conduct—from the abandonment of preconceived opinions—from the alienation of those with whom I had heretofore co-operated. Sir, I have done so; and the events of the last six weeks must have proved, that it is painful in the extreme to prefer, to such considerations, even the most urgent sense of public duty.

" 'Tis said with ease—but oh! how hardly tried  
By haughty souls to human honour tied—  
Oh! sharp convulsive pangs of agonizing pride."

Sir, I return to objects of more public concern. I detailed, on a former occasion, that a dreadful commotion had distracted the public mind in Ireland—that a feverish agitation and unnatural excitement prevailed, to a degree scarcely credible

throughout the entire country. I attempted to show that social intercourse was poisoned there in its very springs—that family was divided against family, and man against his neighbour—that, in a word, the bonds of social life were almost dissolved—that the fountains of public justice were corrupted—that the spirit of discord walked openly abroad—and that an array of physical force was marshalled in defiance of all law, and to the imminent danger of the public peace. I ask, Sir, could this state of things be suffered to exist, and what course were we to pursue? Perhaps I shall be told, as I was on a former occasion, in forcible, though familiar language, that “This is the old story! that all this has been so for the last twenty years, and that therefore there is no reason for a change.” Why, Sir, this is the very reason for the change. It is because the evil is not casual and temporary, but permanent and inveterate—it is because the detail of misery and of outrage is nothing but “the old story,” that I am contented to run the hazards of a change. We cannot determine upon remaining idle spectators of the discord and disturbance of Ireland. The universal voice of the country declares that something must be done; I am but echoing the sentiments of all reasonable men, when I repeat that something must be done. I wish, however, to take nothing for granted, but to found my argument, not upon general assent, but upon unquestionable facts. I ask you to go back to a remoter period than it is generally the habit to embrace in these discussions—I ask you to examine the state of his Majesty’s government for the last thirty-five years, and to remark the bearing of the Catholic question upon that government—the divisions it has created amongst our statesmen—the distraction it has occasioned in our councils—and the weakness it has consequently produced. I ask you then to observe what has been the course of parliament for the same period. And lastly, what has been the consequence of the divisions in the councils of the king, and of disunion between the two Houses of parliament—the practical consequences as to Ireland.

I begin with the year 1794. From that period there has been disunion in the government on account of the Catholic question, and the administration of Irish affairs. When Mr. Pitt associated the Duke of Portland and Lord Fitzwilliam in power, division prevailed in the cabinet. Mr. Pitt was then prepared to offer unqualified resistance to the claims of the Roman Catholics; but he took the Duke of Portland, Mr. Windham, and Lord Fitzwilliam into the government, and they differed with him on the course that ought to be taken in respect of this question. Lord Fitzwilliam went to Ireland in 1794; he favoured the claims of the Roman Catholics, and from that moment dissension has existed in our administrations upon that subject. His government came to a termination in a few months.—On what ground? On account of a difference about the Catholic question. Mr. Pitt continued to conduct the public councils for some time longer. In the interim occurred the distractions of Ireland in 1798 and 1799. In 1801, Mr. Pitt’s government came to a close: on what ground? A difference about the Catholic question. Mr. Pitt resumed the government in 1804. The manner in which his cabinet was composed, showed that it was not formed on the principle of unqualified resistance. Mr. Pitt died in 1806, and his government was succeeded by another, which endured about eighteen months, and then came to a termination: on what ground? A difference, again, about the Catholic question. In 1807, Mr. Perceval undertook the administration of affairs, and it was undoubtedly quite true that, from that period until his death, the government did resist the consideration of this question; but it did not resist it on permanent grounds. Lord Castlereagh and Mr. Canning were advocates of the Catholic claims, and only acted at that particular period in opposition to them on the ground of the conscientious scruples of the king. Mr. Perceval lost his life in 1812, and after his death another course of policy, with respect to this question, was adopted. This was attributed to the circumstance of his death, and it is said that, had he lived, a united government, pledged to the unqualified resistance of the measure, would have been permanently established. I doubt this fact. There was an important event which must have influenced the formation of a government. The restrictions on the Regency were removed at this period, and the parliament elected in 1807, decided by a majority of 129 to take the question into consideration. I do believe that, if Mr. Perceval had lived, he would have continued to offer unqualified resistance to the Catholic claims; but I

do not think that Mr. Canning, or Lord Castlereagh, would have been parties to a government formed on that principle. Since 1812, the Catholic question has been what is called a neutral question, each member of every cabinet being allowed to take that course in respect of it which he thought best, and I must say that the consequences have been most unfavourable to the administration of the affairs of this country. The cabinets have been in general nearly equally divided upon the subject—sometimes exactly balanced—sometimes a preponderance of a single voice in the cabinet in favour of or against the question; Ireland has been governed, almost inevitably governed, upon the same principle—at one time, a Lord-lieutenant adverse to the claims, and a Secretary favourable—at another time, a Lord-lieutenant favourable, and a Secretary adverse. The law-officers of Ireland divided in opinion—the subordinate members of the Irish government divided also. What has been the consequence? Jealousies and suspicions between honourable men embarked in the same cause, and subject to the same responsibilities—against their will, they have been made the heads of opposite parties in Ireland. The differences actually existing have been exaggerated in public impression in a preposterous degree. Every expression which may have casually escaped from public servants has been scrutinized by zealous partisans, and a construction put upon speeches in this House, and upon declarations out of it, of which their authors never dreamed. While they were living on cordial terms, or differing in public matters on this single question, the spirit of party in Ireland has viewed them in the light of bitter enemies—checks and spies upon each other—and has construed the most trifling circumstances, appointments to office, or removals from it, in respect to which there was entire concurrence, as the indications of mutual hostility, and of the preponderating influence of one or other of the parties. Such is the evil which has been practically experienced in Ireland—which has been tolerated too long—which has paralysed the vigour of the executive government, and defeated its best intentions—and which it is absolutely necessary (I say not now in what manner, but in some manner or other) to terminate.

From a consideration of the principle on which the executive government has been conducted, let us now turn to the proceedings of the legislature, and the demonstration of public opinion in this country. From the year 1807 to the present moment, there have been five parliaments, consequently five separate appeals to the sense of the constituent body of the empire. The House of Commons elected for four of these five parliaments has, on some occasion or other, decided in favour of the adjustment of the Catholic question. The House of Commons of the fifth parliament decided against the claims, but by what majority? A majority of two; two hundred and forty three members against concession; two hundred and forty-one in favour of it. Refer to the divisions on the Catholic question in this branch of the legislature for the last sixteen years, and see how nicely the balance of opinion in a neutral government has corresponded with that of the House of Commons. In 1813, the Roman Catholic Relief Bill was carried by a majority, after the second reading, of forty-two. The admission to parliament was negatived by a majority of four. In 1816, the majority against the question was thirty-one. In 1819, it was two. In 1821, the Relief Bill passed by a majority of nineteen. In 1822, the bill for the restoration of Roman Catholic Peers to seats in the House of Lords was carried by a majority of twelve. In 1825, the general Relief Bill was sent to the Lords by a majority of twenty-one. In 1827, the consideration of the question was rejected by a majority of four. In 1828, it was admitted by a majority of six. What is the result? Each party can paralyse the other, nothing effectual can be done, either by the means of coercion or relief; we advance a step this year, and recede a step the next, and rejoice or lament in our petty gains or losses. But what becomes of Ireland, and what may become of her, if these party conflicts without a result shall continue beyond the present season of general tranquillity?—*"Sedemus desides domi—inter nos altercantes, præsentî pace læti, nec cernentes ex otio illo brevi multiplex bellum rediturum."*

Sir, this House of Commons has, after trembling in the nice balance of opinion, at length inclined on the side of concession and relief. Why should this House of Commons be considered, as some profess to consider it, an unfair representative of the public opinion upon this great question? Was it not elected at a period when

the public mind was sufficiently alive to the Catholic question? Was it not sufficiently acquainted with the efforts made to pass Catholic Relief Bills through parliament, and with the state of Ireland? Sir, this House was elected shortly after an intense excitement of the public feeling by the proceedings of the Catholic Association in 1825. The bill to suppress that Association had been passed, and the discussion on the question was not brought to a close in less than five nights. The general election, Sir, was the time for the public opinion to declare itself, and to afford us the materials for a successful contest. But, Sir, this proper occasion having been suffered to pass by, it is now rather hard that we should be blamed for not carrying on a bootless resistance. It is a hard thing, Sir, to call upon us, the responsible ministers of the Crown, to carry on resistance without furnishing us with those instruments by which alone the battle could have been fought with success. For, Sir, I ask you, when we are told of the feeling of the country against the Catholic question, to look at the returns of the last parliament. If unanimous discontent pervades the people, it is of but a short date. If it has long existed, it ought to have been shown, not merely by public meetings, but by the exercise of the elective franchise. It is not fair to throw upon ministers the whole responsibility of resigning a long-continued resistance, when that resistance was paralysed by the manner in which the people had exercised the elective franchise. I asked an honourable friend of mine, from pure curiosity, to make a return of the members sent to parliament for the fifteen largest counties, and twenty most populous towns of England, and to ascertain in what manner the votes of those members were given on this question. This is a practical and constitutional method of determining the sense of the people. Sir, in the parliament of 1826, the feelings and opinions of the counties and towns which have been thus selected—selected, I repeat, merely on the ground that they are the most important in point of population and influence—have been thus expressed in parliament. Yorkshire has given no opinion; she has sent us two representatives that vote for, and two that vote against, the question. [Here some honourable member interrupted the right hon. gentleman, by saying that Yorkshire had an opinion upon the question.] I am not presuming to speak as to what may be the present opinions of Yorkshire. I only say it has expressed none through its members: and in this instance I will be governed by parliament, not by petition. I know it has been said, that in 1826 the country had not sufficient warning. No, forsooth, we ought to have roused the country by the cry of "No Popery!" Never, Sir, never, under any circumstances. The Parliament, and the Parliament alone, will I ever acknowledge to be the fit judge of this important question. The people at large may express their feelings and opinions, and they should always be received with deference; but, Sir, we are not bound to conform to those opinions, or to refer to their decision questions affecting the general interests of the country, on which it is the peculiar province of Parliament to decide; and, therefore, when I say Yorkshire has expressed no opinion, I mean that it has expressed none in the only way in which it could be made available; it has afforded us no instruments by which we could continue resistance, and therefore its opinion (if it has one) comes too late for any practical purpose. I next come to Middlesex, the metropolitan county of England. It sends two members to Parliament, and both of them are in favour of the Catholic claims. Lancashire is the next county in point of population. That county declined to express any opinion on the subject of the Catholic claims; or it suffered that voice to be neutralized. Of the two members it returned to Parliament, one votes for granting further concessions, and one against it. The county of Devon follows the example set by Lancashire, and has expressed no opinion; one of its representatives is for, and the other opposed to, Catholic Emancipation. The county of Kent, which comes next in the order I have described, takes the same course; one of its members votes for the consideration and adjustment of the Catholic claims, the other for resisting them. Surrey is in precisely the same situation as Kent. Such is the state of things in the counties I have mentioned. These, which are the greatest in point of population, expressed no opinion on the Catholic question at the last election, though their attention had been fully called to the subject by the proceedings of the last and the preceding parliaments. The county of Somerset is, however, an exception; for besides my hon. friend (Sir Thomas Lethbridge), who has long been one of its representatives, and who, no doubt, fairly re-



presented its wishes and feelings, by uniformly voting against any further concessions, it returned another hon. member who also votes against the Catholic claims. Norfolk returned two members, both of whom vote in favour of them. From Staffordshire, my own county, two members were returned, who vote on the same side with the members for Norfolk. Dorsetshire expressed no opinion, as one of its members votes for, and the other against further concessions. Essex stands in the same situation. The two members from Hampshire both vote against the Roman Catholics. Lincolnshire is neutralized, its members voting different ways. Gloucestershire, Wiltshire, Warwickshire, and Suffolk, are in the same situation, equally balanced. And this is the history of the feeling manifested at the period to which I have referred in the fifteen largest counties in England. They send collectively thirty-two members, and seventeen of the thirty-two vote for concession. I, therefore, think that that universal disposition to oppose concession, of which we have heard, has no existence; or, if such be not the case, I must conclude that others have abandoned their duty, and have not come forward with that public expression of their wishes and their feelings which could alone make opposition availing.

Having shown what the sense of the largest counties has proved to be, I will now call the attention of the House, in the same way, to what has been done by the largest towns, the list of which includes about twenty. London returns four members to Parliament, and two of those last sent to Parliament vote for, and two against, Catholic Emancipation. Westminster sends two, and both are in favour of it. The two members for Southwark are both in favour of it. Liverpool sends two members; one is for Emancipation, the other is adverse to it. From Bristol two members have been sent who are both against further concessions. Norwich sends two members, of whom one is for and one against. Nottingham sends two members, and both are in favour of the settlement of this question. From Newcastle-upon-Tyne two members are sent, both in favour of it. Leicester gives one voice against concession. Hull is neutral. From Preston two members are returned, who both vote in favour of Catholic Emancipation. Exeter sends two, who are both against it. The voice of Coventry is neutralized. Such is the case with York. Both the members for Chester vote in favour of further concessions to the Catholics. Both those returned for Great Yarmouth do the same. From Derby the members returned are both in favour of considering this question. Of Ipswich I am uncertain. Of the two members sent from Worcester, one did not vote at all, the other did vote against concession. The two members for Aylesbury vote on different sides. To these I may add Carlisle, which is in the same situation as the place I last named; and of the two members returned for Colchester, one voted against concessions to the Catholics, the other gave no vote at all. The result, however, of the analysis made of the returns for the twenty largest towns is this; that eighteen members are against concession, and at least twenty-five or twenty-six vote in favour of it. These things then, I say, prove to me that the voice of the people was not deliberately pronounced against the consideration of this great question, at that period when it might have been pronounced with most effect. I therefore conclude that it does not exist. But be this so, or be it not so, I repeat, that it is hard upon those who have fought the battle against making further concessions to the Catholics for the last ten years, with Houses so nearly divided, with forces so nearly equal, now to charge them with want of zeal, because they consider it would be useless and injurious to continue the struggle longer.

As another indication of public opinion and zeal in the Protestant cause, let us refer to the debates in this House. I hold in my hand a list of the speakers on each side of the main question for the last ten years. On the side of resistance I find a constant recurrence of the same speakers, year after year, with scarcely the addition of a new advocate. If I look to the young members of the House, can I conceal from myself, when I consider the prospects of permanent resistance, that the rising talent of this House is almost unanimous against it? That session after session we have had defections from our side, and that we cannot claim a single convert? Are these indications to be neglected? Are they not just elements of consideration, to be weighed by those who must calculate, if they are prudent legislators, but above all, if they are responsible ministers, to what extent resistance can be safely and wisely carried? And yet the few who have borne the brunt of this battle for ten years are

to be taunted as responsible for failure, we are not to be at liberty to consider what support we have had, in the division, from numbers; or in the debate, from the active zeal and ability of those who have been voting with us. Why is it that the eagerness and the vehemence of opposition have been reserved for this occasion? Why has not the member for Kent, so qualified to take an active part in debate, why has he not borne his part in the protracted contests of former years? It is within these walls, and within these walls alone, that the struggle could have been maintained with effect; and the victories of Penenden Heath are no compensation for repeated defeat here.

I have now, Sir, described the state of the king's government in reference to the Roman Catholic Question, for the last thirty-five years, and I have detailed the progress of our discussions in this House, the equal balance of our opinions, the continued discussion for sixteen years between the Lords and Commons on a great question of national policy. Let us proceed to enquire what has been the condition of Ireland during these unfortunate dissensions? I will not presume to affirm that the dissensions in our councils, and the distractions of Ireland, stand to each other in the exact relation of cause and effect; but this I affirm, that they have been very nearly concurrent, and that there is no present prospect of the restoration of peace to Ireland, and of authority and vigour to its government, unless our own differences can be, by some means or other, reconciled. I will not prophesy what may be the ultimate effect of the measures which I propose; but the true recommendation of them I apprehend to be, that it is scarcely possible that we can change for the worse. Let us cast a rapid glance over the recent history of Ireland, trace it from the Union, the period when the retirement of Mr. Pitt from the king's councils brought more prominently forward the differences of public men in regard to the Catholic Question. What is the melancholy fact? that for scarcely one year, during the period that has elapsed since the Union, has Ireland been governed by the ordinary course of law.

In 1800, we find the Habeas Corpus Act suspended, and the act for the Suppression of Rebellion in force. In 1801, they were continued. In 1802, I believe they expired. In 1803, the insurrection for which Emmett suffered broke out: Lord Kilwarden was murdered by a savage mob, and both acts of Parliament were renewed. In 1804, they were continued. In 1806, the west and south of Ireland were in a state of insubordination, which was with difficulty repressed by the severest enforcement of the ordinary law. In 1807, in consequence chiefly of the disorders that had prevailed in 1806, the act called the Insurrection Act was introduced. It gave power to the Lord-lieutenant to place any district by proclamation out of the pale of the ordinary law—it suspended trial by jury—and made it a transportable offence to be out of doors from sunset to sunrise. In 1807, this act continued in force, and in 1808, 1809, and to the close of the session of 1810. In 1814, the Insurrection Act was renewed; it was continued in 1815, 1816, and 1817. In 1822, it was again revived, and continued during the years 1823, 1824, and 1825. In 1825, the temporary act intended for the suppression of dangerous associations, and especially the Roman Catholic Association, was passed. It continued during 1826 and 1827, and expired in 1828. The year 1829 has arrived, and with it the demand for a new act to suppress the Roman Catholic Association.

Shall this state of things continue without some decisive effort at a remedy? Can we remain as we are? Have I not established the first step in my argument, that our present position is not tenable; that the system of neutral governments and of open questions ought to be and must be abandoned; and that there is no safety excepting in the united councils and joint responsibility of the king's government?

This being admitted, it remains to be determined on what principle shall those councils be united—and for what object shall that responsibility be incurred? The choice is between permanent, unqualified resistance to concession on the one side, and the settlement of the Catholic question on the other. There is no intermediate line to be discovered—there is no useful purpose to be promoted—either by resistance, rested upon grounds of mere temporary expediency, or by the hesitating grant of a few additional privileges to the Roman Catholics. By the first course, you would concede the principle of resistance; by the second, you would give new power, without giving satisfaction. The main question is this—Can a government be formed, capable of conducting, with vigour and success, the general administration of this

country, upon the principle of decisive and permanent opposition to further concession? I will not take for granted that it cannot. The question involves considerations most important to my argument—because, if it be answered, as I think it must be answered in the negative, I establish at once my own justification, and the necessity of an immediate settlement of the Catholic question.

Can, then, a government be formed, united on the principle of permanent exclusion? It may perhaps be formed, and it may determine to resist the Catholic claims, but how will it govern Ireland? Questions much more difficult will occur, than in what mode a motion in the House of Commons can be best debated or resisted. To come at once to the point—what is to be done with the Catholic Association? “Suppress it,” is the ready answer. But by what means? The existing state of the law provides no effectual means of suppression; at least such is the deliberate and unanimous opinion of the law-officers of England and of Ireland. They have deprecated prosecution, either under the Convention Act of 1793, or under the common law.

It seems taken for granted, Sir, by many in this House, that the Association is an evil of recent occurrence—that the law has been plain—and that nothing was requisite but the due enforcement of it by the attorney-general for Ireland. But, Sir, the evil is one of long continuance—it has assumed various shapes, and has survived more than one attempt at its extinction. Read the Report of the Committee of the House of Lords in Ireland in 1793; you will find the same evil described in terms which are but too appropriate to the present. “Sums of money,” says the report, “continue to be levied upon the Roman Catholics in all parts of the kingdom, by subscriptions and collections at their chapels.” Again, “The existence of a self-created representative body, of any description of the king’s subjects, taking upon itself the government of them, and levying taxes or subscriptions to be applied at the discretion of such representative body, or of persons deputed by them, is incompatible with the public safety and tranquillity.” Look to the debates in this House, and to the proceedings of the Irish government in the years 1811 and 1812; you will find the same evil in existence: a body representing Roman Catholic feeling, and inflaming Roman Catholic passion. It had another name, but its influence and its effects were nearly the same. The Catholic Committee, as it was called, was appointed in 1810. It consisted of the Roman Catholic peers; the eldest sons of peers; the Roman Catholic baronets; the Roman Catholic prelates; ten persons chosen from each county; five persons from each parish of Dublin; and the survivors of the delegates of 1793.

Legal proceedings were instituted—the verdicts were in our favour. The Catholic Committee was in form suppressed, but it soon revived under another name; and in 1814, a proclamation from the Lord-lieutenant in council, directed the suppression of its successor, the Catholic Convention.

In 1823, the Catholic Association was organized. In 1825, the evil became intolerable. A new law was passed for its suppression, but still the body exists with undiminished power of mischief. What is to be done for its coercion and extinction by the united government that we assume to have been formed? The existing law, in the opinion of legal authorities, affords no sufficient remedy—a new law must be passed. Can it be carried in the present state of the House of Commons is the first question? What shall be its enactments is the second? I hear it now intimated by a high authority in another place, that the common law is, and has been, sufficient for the purpose. Why, then, did Lord Eldon, being Lord Chancellor at the time, consent to the introduction of the temporary statute of 1825? That same authority has declared, “That the Act recently passed will do nothing. That it had been said of the Act of 1825, that a coach and six might be driven through it—but that he would undertake to drive the meanest conveyance, even a donkey-cart, through the Act of 1829.” If this be so, why has it been suffered to proceed without the suggestion of an amendment?

But let this pass; I refer to those declarations for another object; they contain admissions that are deserving of more serious consideration. The common law, it appears, has been evaded—new enactments have become necessary. In 1825, we tried the experiment of precise definition and express particular prohibition. In 1829, we give unlimited discretionary authority to the chief governor of Ireland—

authority to interdict any meetings from which he apprehends eventual danger. The first experiment has failed—the other, we are told on the authority of Lord Eldon, is still more certain of failure. What, Sir, is the inference from these declarations? This, and this alone—that there exists a spirit too subtle for compression, a bond of union which penal statutes cannot dissolve.

But, let us suppose the preliminary difficulties overcome—the government formed—the House of Commons assenting to the bill for the suppression of the Association—the enactments adequate for their object, and passed into law. This is not all that is requisite—another, and a more important question, is to be answered. What is to be done with the elective franchise in Ireland? The member for the University of Oxford (Sir Robert Inglis) has told you, that, in the case of a general election, twenty-three counties in Ireland are ready to follow the example of the county of Clare—to withdraw the trust from their former representatives, and to commit it to others, whether locally connected or not, who are devoted to Roman Catholic interests. Be it so; but is it possible, then, to let the franchise remain in its present state? What will be the effect of the formation of a government united on the principle of eternal and uncompromising resistance to the Catholic claims? It will add fuel to the flame in Ireland—increase the existing irritation and excitement—confirm the union between the priesthood and the lower class of freeholders. It is in vain to say, you will give no new power to the Irish Catholic. What will you do with that power—that tremendous power—which the elective franchise, exercised under the control of religion, at this moment confers upon him? “Take it away,” is again the ready answer. But, is it possible to take it away? Will this House of Commons, two hundred and seventy-two members of which voted last year in a majority for the extension of further privileges to the Roman Catholics—will this House of Commons retract those which have been already granted, upon the invitation of a government pledged against concession at any time, and under any circumstances? There is an alternative no doubt—the immediate dissolution of parliament, and the appeal to the elective body of Great Britain. But you cannot make that appeal without making a simultaneous appeal to the elective body of Ireland—that body exercising the present franchise, under every circumstance of super-added mistrust, apprehension, and excitement. My deliberate conviction is, that no majority on the Catholic question that you can procure from the representation of Great Britain, will counteract the evil—of severing every remaining tie between the landed proprietor and the Roman Catholic tenantry of Ireland—of confirming the spiritual influence in political matters of the Roman Catholic priesthood—of binding together in the dangerous, but not illegal, exercise of a great constitutional right, the combined and desperate efforts of Roman Catholic wealth, intelligence, numbers, and religion. The infusion into this House of such a representative body, as that which will be sent from Ireland, by a general election in the case supposed, will be a real danger; and I appeal to any man, connected with Ireland or acquainted with its condition, whether the government of Ireland could conduct, with energy or success, the administration of that country, having opposed to it (as it would have opposed to it) under the circumstances of which we are speaking, a vast majority of the representative body, and of the constituent body.

But, independently of all such difficulties, I should implore any government to pause before it enters upon the task of withdrawing from the Irish Roman Catholics privileges already granted. We cannot replace the Roman Catholics in the position in which we found them, when the system of relaxation and indulgence began. We have given them the opportunities of acquiring education, wealth, and power. We have removed, with our hands, the seal from the vessel, in which a mighty spirit was inclosed—but it will not, like the genius in the fable, return within its narrow confines, to gratify our curiosity, and enable us to cast it back into the obscurity from which we evoked it. If we begin to recede, there is no limit which we can assign to our recession. We shall occasion a violent reaction—violent in proportion to the hopes that have been repeatedly excited. It must be coerced by new rigours, provoking in their turn fresh resistance. The re-enactment of the penal laws, even if practicable, would not suffice. The trial by jury must be abolished; at least the Roman Catholic must be incapacitated from serving as a juror. What would be the ultimate issue of this contest? A more marked separation of the people of Ireland into dis-

tinct and mutually hostile classes—a more complete monopoly of every civil right and franchise for the Protestant—unmixed and unqualified degradation of the Roman Catholic.

Now look at the population of Ireland, and then determine, whether such a system of government is, in the present state of the world, maintainable. According to the census of 1821, the population of Ireland was computed to amount to nearly seven millions of persons. Of them, by a calculation formed by my right hon. friend (Mr. Leslie Foster), deduced from the numbers of children educated in Ireland, five millions are Roman Catholics—two millions Protestants, including the members of the established church and every class of Protestant dissenters. Can the local government of Ireland be conducted through the exclusive instrumentality of two millions out of seven of the population? Surely, government, civil government, means something more than the rigid enforcement of penal law, the suppression of breaches of the peace, and the apprehension of notorious offenders. There is a willing moral obedience, founded on the sense of equal justice, without which the terrors of the law would be vain instruments to secure protection and peace even to the favoured class. If the two millions of Protestants were equally distributed throughout Ireland, the difficulties of administering, through their exclusive agency, the whole progress of government and of the law, might possibly, in the opinion of some persons—certainly not in mine—be overcome. But of the two millions of Protestants, twelve hundred thousand are residents in one single province—the province of Ulster. In the three remaining provinces we have a population of five millions thus composed—four millions two hundred and fifty thousand Roman Catholics; seven hundred and fifty thousand Protestants—a majority of nearly six to one. The disproportion—the inequality of the distribution of the Protestant and Roman Catholic population—are still more striking in the case of individual districts:—

#### THE POPULATION AMOUNTS TO

In Ulster . .	1,993,494 of whom, about 800,000 are Catholics, and 1,200,000 Protestants.
In Leinster .	1,757,492                      "                      1,380,000                      "                      377,000                      "
In Munster .	1,935,612                      "                      1,735,600                      "                      200,000                      "
In Connaught	1,100,229                      "                      930,000                      "                      171,000                      "

By returns from the clergy of three hundred parishes in Ireland, containing a population of seven hundred and fifty-nine thousand five hundred souls, it appears,—

- That in three parishes in Munster, there is neither Protestant nor Dissenter—all Catholics.
- That in four parishes of Ulster, all are Presbyterians.
- That in one hundred and thirty-four parishes of Leinster, there are, of the Church of England, 23,000; Dissenters, 1,400; Roman Catholics, 186,300;—Total, 210,700 persons.—Proportion, seven and a half to one.
- That in seventy-two parishes of Munster, there are of the Church of England, 12,900; Dissenters, 128; Roman Catholics, 167,500;—Total, 180,528.—Proportion, thirteen to one.
- That in twenty-three parishes of Connaught, with a population of 101,600, there are Roman Catholics, 96,800; of the Church of England, 4,800; Dissenters, 12. Proportion, twenty to one.
- That in nine parishes of Roscommon, with a population of 26,581, there are Roman Catholics, 25,700; Protestants, 881.

These circumstances being duly considered, again I ask, how is the civil and criminal process of the law to be equally and regularly conducted throughout Ireland, supposing the withdrawing of the powers and privileges already granted to the Roman Catholics to have the effect which I anticipate from it—namely, that of dividing the population into two distinct classes—one favoured by the law, the other totally estranged from it? It may be said, and truly said, that reliance can be placed upon the army and upon the police; but will England patiently bear the enormous expense of enforcing every civil right of property, of supporting every legal claim for rent or for tithes, by the agency of such expensive instruments? And yet there will be, in many districts at least, no alternative.

These, Sir, are practical and certain, and, I fear, incurable evils, which we must determine to endure, if we resolve to retrace our steps. But are there no contingent misfortunes, upon the occurrence of which, and upon the issue of which, if they should occur, a prudent government must calculate? What will be the result of civil insurrection?—What will be that [of foreign war? Will this system of continued exclusion, or, I should rather say, of deprivation and coercion, be proof against such calamities? If it be not, is it wise to adopt it? We have had, in the recent history of Ireland, experience of the effect of both these calamities—experience of the practical bearing of each of them on the Catholic question. Take the example of foreign war. In 1792, bold hearts and able heads presided over the councils of this country—there was no disposition to yield to the Roman Catholic claims—no want of Protestant feeling in Ireland to make resistance effectual. In 1792, the Roman Catholics petitioned for partial relief. The grand juries of Ireland were nearly unanimous against any concession. The Irish House of Commons not only refused relief, but, by an immense majority, rejected the petition which prayed for it—it refused permission that it should lie upon the table. The vote was taken upon that motion: two hundred and eight members voted for the rejection of the petition; twenty-three only for its acceptance.

In 1793, broke out the revolutionary war with France; and in 1793, the session of the Irish Parliament opened with a recommendation from the Crown to consider the condition of the Roman Catholics, and to repeal some of the disabling laws. Mr. Pitt was at the head of the Government;—Mr. Dundas, the Secretary of State, in correspondence with Ireland; and at their pressing instance was this recommendation given. What was the consequence? The hasty grant of that power to the multitude and physical strength of the country, which has been conferred by their unrestricted admission to the elective franchise. Let us profit by the example of the past, and not feel too confident that stern resolutions of uncompromising resistance, formed in the time of peace, can be rigidly maintained under the pressure of foreign war.

We have also had the sad experience of that other and greater calamity—civil discord and bloodshed. Surely it is no unmanly fear that shudders at its recurrence—no degenerate impulse that prompts one to exclaim, with Lord Falkland—“Peace! Peace! Peace!”—that looks out with anxiety for the alternatives by which civil war may be honourably averted; which may rescue the natives of the same land, and the fellow-subjects of the same king, from the dire necessity of embroiling their hands in each other's blood.—

*Coeant in fœdera dextræ  
Si datur—ast armis concurrant arma cavete.*

Let us again appeal to history, as to the issue of civil war. Let us refer to the records of 1798, and well consider what has been the bearing of a defeated rebellion on the claims of the Roman Catholics. The character of that rebellion is written in the Statute-book. The preamble of the law, which contributed to its suppression, declared it to be “a wicked rebellion—that desolates and lays waste the country by the most savage and wanton violence, excess, and outrage—that has utterly set at defiance the civil power—and has stopped the ordinary course of justice and of the common law.” This rebellion, thus characterised, was utterly defeated, and suppressed by force. There was the utmost indignation at the atrocities committed—there was every stimulant to retaliation and revenge—complete triumph on the part of the government,—but was there an end of the Catholic Question? No, Sir, so far from it, the ministers, by whose fortitude the rebellion was suppressed,—Mr. Pitt, Mr. Dundas, Lord Cornwallis, and Lord Castlereagh,—carried the measure of Union, as a preliminary to the settlement of the Catholic question, and resigned their offices almost before the dying embers of the rebellion were cold, because they could not also carry this very question of relief to the Roman Catholics. Will the issue, the successful issue of civil war, leave us in a better condition now than it left us in the year 1800? Or shall we not, at its close, have to discuss this same question of concession—with embittered animosities—with a more imperious necessity for the adjustment of this question—and with a diminished chance of effecting that adjustment on safe and satisfactory principles?

One calculation I have omitted—but it is too important to be passed in silence—I mean the state of Protestant feeling and opinion in Ireland. On the last occasion on which the Catholic question was agitated, of the sixty-four members for counties, sixty-one actually voted;—forty-five were in favour of concession, sixteen opposed to it, being a majority of the county representation of nearly three to one. Of the total representation for Ireland, one hundred in number, ninety-four members voted; sixty-one for concession, thirty-three against it. The member for the University of Dublin, the two members for the city of Cork, the members for Limerick, for Waterford, for Galway, for Drogheda—all voted for concession. Take another indication of Protestant opinion. The declaration which grew out of the Protestant meeting recently held at the Rotunda in Dublin. That declaration earnestly implores the legislature to adjust this long-agitated question, as the only means that are now left of giving peace to Ireland. It bears, among many hundred signatures of the highest respectability, the names of two dukes, seven marquesses, twenty-seven earls, all possessed of property in Ireland, or locally interested in the welfare of that country. With such a division of Protestant opinion, are we fighting this battle on advantageous terms? Are we promoting the true interest of our own establishment, by continuing to enlist on the side of the Roman Catholics a great majority of the Irish representation, and a great portion of the Protestant wealth and intelligence of Ireland?

Above all, such being the present state of Protestant opinion in Ireland in respect to the policy of conferring all the privileges of the constitution upon the Roman Catholics, could a government, pledged against any further concessions, and prepared to retract some of the franchises already granted, conduct with satisfaction the administration of Irish affairs? could it contend against the resistance of the united body of Roman Catholics—that resistance encouraged and supported by a powerful alliance of Protestant influence?

Sir, I here close this part of my argument, the double object of which has been to show; first, that the principle of a neutral government must be abandoned; secondly, that an united government, prepared to offer permanent and unqualified resistance to concession, cannot be formed in the present state of parties, and of public opinion, with a prospect of maintaining its ground, and of administering, with satisfaction and success, the affairs of Ireland.

If these deductions be fairly drawn from the course of reasoning which I have pursued, there remains one only alternative—the adjustment of the Catholic question on the principle recommended in the speech from the throne. Whatever may be the objections in the abstract to such an adjustment, if any man be satisfied that under all the existing circumstances of the country, there is more hazard in continued resistance than in the settlement of the question, that man is justified, he is truly consistent in changing his course, and in listening to terms of accommodation which he may have heretofore rejected.

This is the conclusion to which I myself have come. Compelled to give advice to the Crown under circumstances of no ordinary difficulty, I have, in concurrence with my colleagues, given advice in conformity with that conclusion; and I have been required to take the responsibility, and to make the sacrifices inseparable from the adoption of that course, which appears to the king's government less pregnant with danger than any other that now remains to us.

Charged with this arduous task, I now approach the most important part of my duty;—the explanation of the measures by which his majesty's servants propose to carry into effect the recommendation of his Majesty's Speech. I will not disguise the difficulties which are to be encountered. Some there are, urged with great confidence, the existence of which I cannot admit, but still those that really exist are many and formidable. Two preliminary objections have been urged, which if valid would seem to preclude even the consideration of the subject. The first, that this is a question not of policy but of religion; the second, that the Coronation Oath is an insuperable obstacle to the relief from Roman Catholic disabilities. I must totally deny the validity of either of these objections.

This question, at least the measures I have to propose for its adjustment, are measures of state policy, and of state policy exclusively; they are not calculated to shock any religious scruples. They will imply no sanction, they will disclaim all

encouragement of any religious doctrines from which our own established church revolts. They rest upon this broad principle, that there is less of danger under the present state of affairs to the spiritual and temporal interest of that church, in removing those civil disabilities which affect a portion of his majesty's subjects, than in continuing those disabilities.

But, Sir, if I were to admit that religious considerations are deeply involved in this question, I would ask of those, most strenuous for arguing it mainly upon religious grounds, what progress have we made in Ireland in the propagation and establishment of religious truth, under the system of penal and disqualifying laws? Where are our conversions? In what part of the world is the adherence to the errors against which we protest more inveterate than it is in Ireland? Let us maturely consider, whether penalties and disabilities may not have enlisted pride on the side of conscience—may not have deterred the rich and powerful from a conformity that is suspicious, so long as it is profitable—may not have raised defences round prejudice and superstition, which have been and will continue to be impenetrable by terror or force?

Be the cause what it may, the fact is certain, that reformation in Ireland has hitherto made no advance. We lose nothing, we endanger nothing in this respect by the change of system; but, on the other hand, let us cherish the hope that increased intercourse between Protestant and Roman Catholic will inspire feelings of mutual charity and good-will—that the agents of Protestant benevolence will be regarded with less of suspicion and distrust—that truth, moral and religious, will have a freer scope for exertion—that the Protestant faith, by confiding in its own intrinsic purity, in the progress of knowledge, in the love and affection of the people, may find an energy and expansive force, which it has not found, in Ireland at least, in the monopoly of civil privileges.

If this question were to be argued, as I deny that it ought to be argued, as a question of religion, I greatly doubt whether the issue of fair argument upon that exclusive ground would not be in favour of the measures of relief.

With respect to the other preliminary objection, the Coronation Oath, I shall say little. During the many years that I have opposed concession to the Roman Catholics, I have uniformly disclaimed all concurrence in such an objection. It appears to me that the Coronation Oath is any thing but a barrier to the adoption of measures, which may be, as I believe these are—under the existing circumstances of the country—conducive to the interests of the church establishment. Mr. Pitt, Lord Kenyon, Lord Liverpool, almost every public man of eminence, have left their opinions upon record, that the removal of the civil disabilities of the Roman Catholic is perfectly compatible with the obligations of the Coronation Oath.

That there are real difficulties in the way of a settlement of the Catholic Question, no man is more disposed to admit than I am. But if it be necessary that the question should be settled, we must take the course which others before us have taken; we must "construe the times to their necessities," and effect a great object at the expense of minor considerations.

No doubt there are difficulties; but what great measure, which has stamped its name upon the era of its adoption, has been carried through without objections and obstacles, insuperable if they had been abstractedly considered? What was the Revolution itself but a violation of principles, which would have been respected in ordinary times, and under ordinary circumstances.

How was the union with Scotland carried? By an overwhelming conviction, that it was indispensable to the peace and concord of the two kingdoms. It was this conviction that reconciled a powerful kingdom to the sacrifice of nominal independence; to the outrage of those high and honourable feelings which were associated with its ancient history, its separate monarchy, its peculiar form of legislature and government. Our difficulties may be great, but they are nothing as compared with those which obstructed such a measure as the first incorporate union between the two kingdoms.

What justified the Septennial Act? the prolongation by the House of Commons of its own existence, beyond the period for which it was elected. That which is the true justification of every political measure in which no question of moral obligation is involved, the preference of the greater good, or the avoidance of the greater evil.



In more recent periods of our history, the abolition of heritable jurisdictions in Scotland; the nomination of a Regent by an Act of Parliament, to which the King could not be personally a party; the Union with Ireland; are all great measures of policy, to which objections were made that would have been fatal, and justly fatal, if weighed separately, and if judged by the rules applicable to ordinary occasions. We must contemplate the measure I am about to develop in the same spirit in which our predecessors acted under similar circumstances; we must look at the end to be achieved, and the danger to be averted; we must be content to make mutual sacrifices, if they are essential to the attainment of a paramount object; and must withdraw objections to separate parts of a comprehensive scheme, if, by insisting on these objections, we should endanger its final accomplishment.

The plan for adjusting the Catholic Question, and of improving the condition of Ireland, which I am now to detail, is that plan on which the king's government agreed, after mature deliberation, before the session of parliament was opened. Nothing that has subsequently passed has diverted the government from its course. No menace of opposition has induced them to modify or to abandon any part of the general measure. It is proposed on the responsibility of the government: it is the result of no compact with any party, or with any individuals. The Roman Catholics have not been consulted in respect to it, and for two sufficient reasons: first, because it is better suited to the dignity of legislation, that it should be independent of previous understandings and compacts with the parties whom it is to affect; and secondly, because it is not fair upon the Roman Catholics themselves, to require them to give their previous assent to the conditions or securities or restrictions with which it may be necessary to accompany measures of relief.

There is also another reason to which I must advert. If we make a compact, we seem to relinquish the right of future legislation in respect to the Roman Catholic religion. Now, one great advantage of this measure will be, that it will enable us to assume our proper position, with respect to every interest in Ireland, and to guard against new dangers, if new dangers should occur, by any precautions or securities that the public interests may require.

The measures which I propose for granting relief to the Roman Catholics are founded upon two great principles: The abolition of civil distinctions on account of the religious creed of the Roman Catholics; and the maintenance, intact and inviolate, of the integrity of the Protestant Church, its worship, its discipline, and its government. These measures will restore the equality of civil rights; but they will give no favour or encouragement to any form of religious worship, excepting that which is incorporated by fundamental laws with the constitution of the state, and which claims the respect, veneration, and affection of a Protestant people. It is needless, Sir, for me to explain the existing state of the law, as it bears upon the Roman Catholics of England, Ireland, and Scotland. It is known to every one whom I address, that the law affecting the Roman Catholics in each branch of the empire is different: that the Irish Roman Catholics are the most favoured, the Roman Catholics of Scotland the least. I propose to place them all, as to civil privilege, upon the same footing, the footing of equality. I am well aware of the provisions of the Act of Union with Scotland, of the enactments which require that persons electing and elected to seats in the legislature, shall be Protestants, excluding Papists expressly by name. But who would wish that this great work should be left incomplete by a rigid adherence to the letter of the Act of Union, and by continuing exclusion in that part of the United Kingdom, wherein the Roman Catholics are the least formidable, and where there is hardly a conceivable danger?

It would be repugnant to every generous feeling, and to the dictates of common sense, to continue disabilities upon the Roman Catholics of Scotland, whose conduct has been uniformly patient, loyal, and submissive to the laws, after the complete removal of similar disabilities in England and Ireland.

Before, Sir, I speak of political privilege, I must advert to the laws relating to the possession of property by the Roman Catholics of the United Kingdom. The prevailing impression is, that every penal law with respect to property has been repealed. This is not the case; the penal laws as to property still survive, and the Roman Catholics are only relieved from their operation upon taking the oaths with certain formalities, which are required by the several acts that relate to this subject.

The Roman Catholic who, through accident or inadvertence, omits to take the oaths, is subject to the penal laws in regard to property. The title to it is thus rendered insecure. There appears no reason why the Roman Catholic should not hold property, real or personal, upon the same terms and conditions upon which other subjects of the king hold it; and for the common benefit of the Roman Catholic proprietor, and of the Protestant or Roman Catholic purchaser, or heir, I propose to repeal the operation of every penal law which has a bearing upon the tenure or acquisition of property.

Now, Sir, as to political privilege. I say at once the whole question turns upon admission to Parliament. Without this concession every other will be useless, perhaps injurious; because the grant of other privileges, if this be withheld, will give no present contentment, and it will diminish the means by which the grant of this further privilege can be effectually resisted. If we are to relinquish the system of exclusion, let us secure the advantages of concession; if we are to settle the Catholic question, let us settle it at once, and for ever—settle it, I mean so far as political rights are concerned, by the restoration of equality. There is no intermediate position, defensible upon principle, between the maintenance of the present civil disabilities in Ireland, and their complete removal. Either policy—continued resistance or final adjustment—is far preferable to an imperfect grant of privilege, which leaves behind it “A Catholic Question,” and ensures a renewed struggle for equal civil capacity.

The bill will therefore expressly provide for the admission of the Roman Catholics to seats in the two Houses of Parliament. It has been proposed to limit the numbers so admissible; but I doubt the practicability and expediency of affixing any precise limitation to the numbers. It would be extremely difficult to execute a measure of this nature, to devise the means by which, supposing at a general election a larger number of Roman Catholics were returned than the number prescribed by law as qualified to sit and vote, a selection should be made, and the returns to Parliament of a portion of the whole number should be declared invalid. But I doubt the expediency of the limitation, if it be practicable. It would have a tendency to alienate from us the limited body of Roman Catholic members—to unite them into a compact phalanx, bound to act together for the promotion of Roman Catholic interests, by new obligations of honour and fidelity imposed by our law, which, by restricting their number, compelled them to find a compensation in increased zeal and devotion. I would admit them, therefore, on the same footing, the same principle of equality, on which we now admit the Dissenter from the Church of England.

Another proposal has been made, by a right hon. friend of mine (Mr. Wilmot Horton), made from the best motives, and supported with an ingenuity, ability, and research, worthy of the motives and of the character of its author. My right hon. friend has proposed, with a view to calm the suspicions and fears of those who object to the admission of Roman Catholics to Parliament, that the Roman Catholic member should be disqualified by law from voting on matters relating, directly or indirectly, to the interests of the Established Church. There appear to me numerous and cogent objections to this proposal. In the first place, it is dangerous to establish the precedent of limiting by law the discretion by which the duties and functions of a Member of Parliament are to be exercised. In the second, it is difficult to define beforehand what are the questions which affect the interests of the Church. A question which has no immediate apparent connection with the Church, might have a practical bearing upon its welfare ten times more important than another question which might appear directly to concern it. Thirdly, by excluding the Roman Catholic from giving his individual vote, you do little to diminish his real influence, if you leave him the power of speaking, of biassing the judgments of others on the question on which he is not himself to vote; and if, by a jealous and distrusting, but ineffectual precaution, you tempt him to exercise to your prejudice the remaining power of which you cannot, or do not, propose to deprive him. I believe there is more of real security in confidence than in avowed mistrust and suspicion, unaccompanied by effectual guards. For these reasons, I am unwilling to deprive the Roman Catholic member of either House of Parliament of any privilege of free discussion, and free exercise of judgment, which belongs to other members of the legislature.

It is desirable that I should here explain the nature of the Oath which it is proposed to administer to the Roman Catholic as the test of his civil worth, in the place of those oaths and declarations by which he is at present excluded. It is proposed to repeal altogether for parliament, and for office generally, the Declaration against Transubstantiation. There is no object in retaining it as a test to be taken by the king's subjects in respect to any office or franchise for which the Roman Catholic is to be hereafter qualified. It was applied originally, solely as the instrument of exclusion. It is the mere abjuration of belief in certain doctrinal tenets of the Roman Catholic faith; and I believe there are few Protestants who would not have rejoiced in being relieved from the necessity of making that declaration as a qualification for the enjoyment of a merely civil privilege, even if it had been determined to continue Roman Catholic exclusion, and if other means of effecting it could have been devised. But when exclusion is to cease, let us be spared the pain of pronouncing an opinion for mere temporal purposes, in regard to the mysteries of religion, and branding as idolatrous the belief of others.

The Oath of Supremacy, that oath which denies to any foreign state, prelate or potentate, any jurisdiction, temporal or spiritual, within this realm, I propose to retain. The enactment of this oath, at least of one corresponding to it, was coeval with the Reformation, and it constituted the only test to which a Roman Catholic could object during the whole interval that elapsed between the first year of the reign of Elizabeth, and the twenty-fifth of Charles II.

The time has been when Roman Catholics in England have not refused to take the Oath of Supremacy; and when invidious distinctions shall have been removed, and with them a sensitive jealousy on points of honour,—that time may return. In the mean while, the bill will provide an oath, to the effect following: an oath to which the Roman Catholic can have no valid or conscientious objection, which will incorporate the substance of the Oaths of Allegiance and Abjuration, and will disavow all belief in the temporal or civil jurisdiction within this realm of any foreign authority.

"I, A. B., do declare, That I profess the Roman Catholic Religion. I, A. B., do sincerely promise and swear, that I will be faithful and bear true allegiance to His Majesty King GEORGE the Fourth, and will defend him to the utmost of my power against all conspiracies and attempts whatever, which shall be made against his person, crown, or dignity; and I will do my utmost endeavour to disclose and make known to His Majesty, his Heirs and Successors, all treasons and traitorous conspiracies which may be formed against him or them: And I do faithfully promise to maintain, support, and defend, to the utmost in my power, the succession of the Crown, which succession, by an Act intituled, 'An Act for the further Limitation of the Crown, and better securing the Rights and Liberties of the Subject,' is and stands limited to the Princess Sophia, Electress of Hanover, and the heirs of her body, being Protestants; hereby utterly renouncing and abjuring any obedience or allegiance unto any other person claiming or pretending a right to the crown of these realms: And I do further declare, That it is not an article of my faith, and that I do renounce, reject, and abjure the opinion, that princes excommunicated or deprived by the Pope, or any other authority of the see of Rome, may be deposed or murdered by their subjects, or by any person whatsoever: And I do declare, That I do not believe that the Pope of Rome, or any other foreign prince, prelate, person, state, or potentate, hath or ought to have any temporal or civil jurisdiction, power, superiority, or pre-eminence, directly or indirectly, within this realm. I do swear, That I will defend to the utmost of my power the settlement of property within this realm, as established by the laws: And I do hereby disclaim, disavow, and solemnly abjure any intention to subvert the present Church Establishment as settled by law within this realm: And I do solemnly swear, That I never will exercise any privilege to which I am or may become entitled, to disturb or weaken the Protestant religion or Protestant government in this kingdom: And I do solemnly in the presence of God, profess, testify, and declare, that I do make this Declaration, and every part thereof, in the plain and ordinary sense of the words of this Oath, without any evasion, equivocation, or mental reservation whatsoever."

The Roman Catholic who will take this oath surely gives us every security which an oath can give, that the difference in religious faith will not affect his allegiance to the king, or his capacity for civil service. It will perhaps be observed, that this form of oath omits some abjurations and disclaimers which are inserted in the oaths now required from the Roman Catholics. Sir, it does so, and purposely and advisedly. Why insult the Roman Catholic, on whom we are about to confer the equality of civil privilege, by compelling him to reject, in terms, "the impious position that it is lawful to murder heretics," or to record his detestation of the "unchristian principle that faith is not to be kept with heretics?" We cannot suspect the Roman Catholics of these countries of entertaining such opinions; and if we do suspect them, we have been wrong heretofore in giving them their existing privileges. I will neither detract from the force of those disclaimers, which the oath will contain, by the addition of useless incumbrances; nor mortify, by galling and unjust suspicions, the fellow-subjects whom we are inviting, in the spirit of peace and confidence, to share the blessings of equal and indiscriminating laws.

In respect, Sir, to offices, this bill will admit the Roman Catholics to all corporate offices, and the enjoyment of all municipal advantages.

It will admit the Roman Catholics to one great class of office, to which it has always appeared to me that a claim might have been urged on stronger grounds than those on which the claim to mere political office could be rested—I mean, that class of office which is concerned in the administration of criminal and civil justice.

The army and the navy are already practically open to the Roman Catholics without restriction. There is nothing, I believe, in law, which would prevent a Roman Catholic from exercising the command which is at present held by Lord Hill—as the general commanding his majesty's forces.

But, Sir, with respect to all these offices—to corporate offices—to offices in the courts of justice—to military appointments—ay, and to the highest civil offices—we have, in my opinion, decided the question, the moment we have resolved on the admission of the Roman Catholic to Parliament.

The eligibility of the Roman Catholic for civil office, becomes a "security" for the Protestant Establishments—so soon as you have determined to throw open to him the doors of Parliament. You want to secure his loyalty to the king. Do not tell him that he must be a democrat. Do not tell him that he may acquire power and distinction by courting popular favour, and by the devotion to popular interests; but that he is no fit subject of a monarchy—that the Crown must, by law, view him with suspicion and distrust—that no zeal for the service of the public—no attachment to the person or government of the Sovereign—no gratification of, perhaps, his own hereditary bias in favour of prerogative, can qualify him for the favour and confidence of the Crown in high civil trust.

If we remove the restrictions which the law has imposed upon the exercise of popular rights—let us, for our own interests, and our own protection, remove, at the same time, the restraints upon the prerogative of the Crown. Upon every ground, therefore, the policy of making a final adjustment of the question—of founding our measure on a great and comprehensive principle—of giving a fair scope to that grace and influence which, for wise purposes, are vested in the Crown—let us confer on the Roman Catholic, not the right of admission to every office, but a qualification to be admitted, if a Protestant king shall desire to admit him.

It will, nevertheless, be quite consistent with this principle to exclude the Roman Catholic from a certain limited number of offices, which have special and peculiar duties attached to them, connected with the patronage of the Church, or with education, or the administration of the Ecclesiastical Law.

The Roman Catholic is jealous of our interference with the appointments and discipline of his Church, and we have at least as good a right to take security for the maintenance of the integrity of our own.

This bill will, therefore, exclude the Roman Catholic from the office of Regent, and from exercising, under any circumstances, the delegated authority of the Crown; from the office of Lord Chancellor, in England and Ireland respectively, and from the office of Lord-lieutenant of Ireland.

It will not qualify the Roman Catholic to hold any office, place, or dignity connected with the Church Establishments of the United Kingdom, or with the Eccle-

siastical Courts of Judicature, with the Universities, or the great public schools, or schools of ecclesiastical foundation. All local statutes of the Universities, and the power of making such statutes, will be preserved inviolate.

The laws respecting the right of presentation to ecclesiastical benefices will remain unrepealed and unvaried; and provision will be made for intrusting, exclusively to Protestant authorities, the right of Church patronage, belonging to any civil office that may hereafter be held by a Roman Catholic.

The Roman Catholic will be disabled under severe penalties from advising the Crown, directly or indirectly, in respect to the grants of Church preferments; and generally, from the exercise of any influence derived from civil office over ecclesiastical appointments.

Such is the principle and the outline of the measure, so far as it concerns the removal of political disabilities.

I now approach the consideration of that important branch of this subject which includes the securities and restrictions by which it is fitting that this measure of relief should be accompanied. We have given freely to the Roman Catholic, and we have a right to require in return, that on his part every concession shall be freely made that does not invade his conscientious scruples, or break in upon that great principle of our measure of relief—the civil equality of all classes. We do not desire merely to gratify the Roman Catholic. We desire to make an equitable arrangement that shall promote the concord of all his majesty's subjects, and shall give satisfaction to the reasonable and the moderate, however it may be condemned by extreme opinions on opposite sides.

I say at once, that we must look for real security in the regulation of the elective franchise of Ireland, in a decided uncompromising reform of the abuses to which the present exercise of that franchise is liable. It is in vain to deny or to conceal the truth in respect to that franchise. It was, until a late period, the instrument through which the landed aristocracy—the resident and the absentee proprietor maintained their local influence—through which property had its weight, its legitimate weight, in the national representation. The landlord has been disarmed by the priest; and the fear of spiritual denunciations, acting in unison with the excited passions and feelings of the multitude, has already severed in some cases, and will sever in others, unless we interfere to prevent it, every tie between the Protestant proprietor and the lower class of his Roman Catholic tenantry. That weapon which he has forged with so much care, and has heretofore wielded with such success, has broke short in his hand.

Look at the elections in Monaghan, in Waterford, in Louth, and Clare, and then consider whether it will tend to the security of Protestant interests to leave matters as they are, neither granting relief, nor imposing restraint; and also, whether, if we grant ample relief, it be not equally just and expedient to restore to property its legitimate weight in elections, and to guard against the future abuse of spiritual influence?

This measure of a regulation of the franchise is defensible on two grounds—first, as an indispensable security, a necessary concomitant, on the complete extension of privilege—and secondly, as a measure politic, if considered abstractedly, being calculated to improve the civil and moral condition of Ireland, by discouraging the subdivision of law for mere political objects, by diminishing the temptations to perjury, and by giving weight to enlightened and independent opinion.

The Roman Catholic, as a Roman Catholic, has no right to object to this measure. He would have that right if the restriction were unequal in its application; if it curtailed his existing privilege, leaving untouched that of the Protestant; but the restriction extends to all, and admits no distinction between the Protestant and Roman Catholic voter. Like the measure of relief, it is founded on the principle of equal justice.

It may not be immaterial to compare the number of registered voters in some counties in Ireland, with the number of votes actually given at contested county elections in England. The following list contains an account of the numbers polled during some of the severe contests which have taken place in this country within a recent period:—

1820.	
BEDFORD.	
<i>Three Candidates.</i>	
Total number of Votes.....	3,982
BERKS.	
<i>Three Candidates.</i>	
Total number of Votes.....	2,270
CUMBERLAND.	
<i>Three Candidates.</i>	
Total number of Votes.....	406
DEVON.	
<i>Three Candidates.</i>	
Total number of Votes.....	6,298
DURHAM.	
<i>Three Candidates.</i>	
Total number of Votes.....	3,741
GLAMORGAN.	
<i>Two Candidates.</i>	
Total number of Votes.....	1,284
MIDDLESEX.	
<i>Three Candidates.</i>	
Total number of Votes.....	10,662
SUSSEX.	
<i>Three Candidates.</i>	
Total number of Votes.....	5,545
WESTMORELAND.	
<i>Three Candidates.</i>	
Total number of Votes.....	4,341

1826.	
BEDFORD.	
<i>Three Candidates.</i>	
Total number of Votes.....	3,786
HUNTINGDON.	
<i>Three Candidates.</i>	
Total number of Votes.....	2,737
NORTHUMBERLAND.	
<i>Four Candidates.</i>	
Total number of Votes.....	5,253
OXFORD.	
<i>Three Candidates.</i>	
Total number of Votes.....	3,598
SOMERSET.	
<i>Three Candidates.</i>	
Total number of Votes.....	3,840
SURREY.	
<i>Three Candidates.</i>	
Total number of Votes.....	5,735
SUSSEX.	
<i>Three Candidates.</i>	
Total number of Votes.....	5,353
WESTMORELAND.	
<i>Three Candidates.</i>	
Total number of Votes.....	5,499

I have not the list of registered votes in the counties of Ireland, with which I meant to compare the numbers above mentioned; but I believe that there are many counties in Ireland of which fourteen or fifteen thousand votes are registered, and some counties in which there are upwards of twenty thousand. Assuming that the present constituent body in an English county fairly expresses the sense of it; and comparing the amount of property, of education, and intelligence, in the counties of England and Ireland respectively, with the number of voters which they contain, the disproportion is very striking.

There is, Sir, a precedent for the measure I propose, so exactly applicable, that, before I enter into further explanation of its details, I must avail myself of the advantage which that precedent affords. The regulation of the elective franchise is not new and unprecedented. The Statute-Book records the reasons upon which, in former periods of history, it has been carried into effect; and impartial witnesses have left upon record their opinions of the practical bearing of such regulation upon the constitution of this country.

The present elective franchise in England has for its foundation an act of parliament, which passed in the reign of Henry VI.; which raised the qualification to its present amount; namely, forty shillings—a sum in those days representing a very different amount of value from what it now represents. The act explains the necessity which called for and justified its enactment, in terms so appropriate to the case of

Ireland, that no fitter preamble for the present measure could be devised. The preamble of the act of Henry VI. is as follows: "Whereas the elections of knights of the shires to come to the parliaments of our lord the King in many counties of the realm of England, have now of late been made by very great, outrageous, and excessive number of people, dwelling within the same counties of the realm of England: of the which most part was of people of small substance, and of no value, whereof every of them pretended a voice, equivalent as to such elections to be made with the most worthy knights and esquires, dwelling within the same counties, whereby manslaughter, riots, batteries and divisions among the gentlemen and other people of the same counties, shall very likely arise and be, unless convenient and due remedy be provided in this behalf."—The effect of this act, upon the constituent body of England, and upon the expression of public opinion, has been described by a writer, who, from his own sentiments on popular privileges, and from the peculiar relation in which he stood to others, is an unbiassed and unsuspecting testimony in favour of the restriction on the franchise.

There is an historical discourse on the Constitution of England, written by Mr. Nathaniel Bacon, the confidential friend and executor of the learned Selden—in which he discusses the consequences of the act of Henry VI. on the constituent body of this country—and in which, as the work was mainly composed from materials left by Selden, Mr. Bacon probably expresses their common opinion:—"Thus," he observes, "the manner of election is reduced, but the electors are more considerable; for hitherto any man of English blood promiscuously, had right to give or receive a vote, although his residence was over the wide world: thus, the freemen yielded up their liberty of election to the freeholders, possibly not knowing what they did. This change was no less good than great. For—First, Those times were no times for any great measure of civility. The preface of the statute shews, that the meanest held himself as good a man as the greatest in the county, and this tended to parties, tumult, and bloodshed. Second, Where the multitude prevail, the meaner sort are upon the upper hand, and these (generally ignorant) cannot judge of persons nor times, but being, for the most part, led by faction or affection rather than by right understanding, made their elections, and thereby the general council of the nation, less generous and noble. Third, There is no less equity in the change than policy; for what can be more reasonable than that those men should have their votes in election of the public council, whose estates are chargeable with the public taxes and assessments? But, above all the rest, this advancing of the freeholders in this manner of election, was beneficial to the freemen of England, although, perchance, they considered not thereof; and this will more clearly appear by the consideration of these three particulars:—First, It abated the power of the lords and great men, who held the inferior sort at their discretion, and much of what they had by their vote. Second, It rendered the body of the people more brave; for, advancing of the freeholder above the freemen, raised the spirit of the meaner sort to public regards and with an ambition to aspire to become freeholder. And thus the meaner sort, sifted to the very bran, became less considerable, and more subject to the coercive power; when the freeholder, now advanced in degree, becomes more careful to maintain correspondence with the laws. And, Thirdly, by this means, the law makes a separation of the inferior clergy and cloistered people from this service, wherein they might serve particular ends much, and Rome more." Coupling this description of the consequences of the statute with the preamble of the act which curtailed the franchise, it seems to me that nothing can be more apposite or appropriate to the subject. The measure I propose, will have the effect adverted to by Bacon. It will remedy the evil of the forty-shilling freeholders in Ireland, and will raise the character, respectability, and independence of the real freehold interest of the counties. It will give an independent constituency in the place of a dependent one—of one either under the control of the landlords or the priests. I do not say, and I cannot, Sir, that the effect will be, to diminish the legitimate influence of the Roman Catholic body; but I assert, that the spiritual control exercised over the voter is illegitimate, and that it ought not to exist. Before I ask the House to come to a decision upon this part of the bill, I entreat every honourable member to read the evidence taken before the Committees of the Lords and Commons in 1825. The evidence before the Lords was not, I believe, accessible when we last discussed this question. Let gen-

lemen go over the evidence given by every man examined—Roman Catholic as well as Protestant, Layman as well as Ecclesiastic—and then I will ask, whether there is not a body of concurrent and conclusive testimony, as to the evils arising out of the present state of the elective franchise in Ireland? Practically, it differs in every respect from the elective franchise in England. In this country, the freeholds generally are held in fee-simple. There is scarcely in Ireland a single instance, out of thousands, where the freehold is not derivative and held on lease for life. I do not propose to alter the character of the freehold in Ireland. It would be too great an innovation were we to endeavour to assimilate the system in Ireland to that of England. The system there is for landlords to lease lands to middlemen, and the freehold is created through intermediate channels. Any attempt therefore, as I before remarked, to change the system, would be too violent an alteration, and not accommodated to the circumstances of the country.

In the evidence you will find, that various opinions were entertained in respect to the amount to which the franchise should be raised. Many individuals, whose judgment is entitled to the greatest weight, were decidedly in favour of raising it to £20; and they thought that, by so doing, a respectable class of yeomanry would be created, exercising at elections an independent voice. For my own part, I think it would be too much, to ascend at once from 40s. to £20; and the qualification of £10 is an intermediate one, with which I am inclined to be satisfied. It would be very difficult to estimate, from the existing returns, what would be the number of persons at present entitled to vote, if the franchise were raised to £10: it is impossible to deny that it would be very considerable. The registered number of freeholds of the annual value of £50 or £20 would afford no criterion by which a judgment on this point could be formed; and there being no intermediate registration between freeholds of £20 and 40s., all those of £10, £12, or any sum below £20, are registered as 40s. freeholders.

I propose, Sir, in the first place, that the determination of the freehold should not as at present rest only upon the oath of the party. Nothing can be so objectionable as that practice in Ireland, which leaves every thing to the oath of individuals; it has introduced into that country, I am afraid, a great deal of lax swearing—or I should rather use the terms of fraud and perjury. Any man may go before two magistrates and register his vote, merely upon the responsibility of his oath, however ignorant he may be of the nature of the sacred obligation. The construction of the law, too, is this—not that the man's freehold is worth forty shillings a-year, but that he would rather remain in it than accept forty shillings a-year in exchange; thus, numbers of freeholders are constantly made where the interest is unquestionably less than forty shillings a-year. A man who holds a lease for a term of years, however long, has no power of granting freeholds; but numberless freeholds are nevertheless created and sworn to, although the lessor had no legal power to create a freehold interest. The principle I shall select will go far to remedy this evil; every man who has a ten pound freehold shall be entitled to his registration and vote; but means will be provided of ascertaining whether the party claiming has, in fact, such a freehold.

I propose, that the lowest amount of the qualification, entitling a freeholder to vote at an election for counties in Ireland, shall be ten pounds instead of forty shillings; and that, immediately after the passing of the act, there shall be a registration of such *bona fide* freeholds in each county in Ireland.

I propose that the assistant barrister of each county shall be charged with the duty of enquiring into the title and the value of the freehold, in respect to which a right of voting is claimed, and of deciding on the registration of the vote. The right of voting to accrue immediately after registration—should that registration take place at the first session, to be specially held immediately after the passing of the act; and six months after a registration at any future sessions. As the law at present stands, the freeholder cannot vote at an election until twelve months after the registry.

It may be objected, that undue power is hereby conferred upon an officer appointed by the Crown, and removeable at the will of the Crown. I do not rely, for an answer to this objection, merely upon the high judicial character of the assistant barristers of Ireland—upon the exemplary manner in which they discharge their present important functions—or upon the universal satisfaction with which their de-



cisions are received by the public. The bill will provide, I trust, an effectual check upon any possible abuse of power, by giving, in every case, the right of appeal to the freeholder, whether his claim to register be rejected by the assistant barrister, upon the ground of defective title to the freehold, or of its insufficient value. On the question of title, the appeal will be given to the judge of assize. On the question of fact, namely, the amount of value of the freehold, the freeholder will have a right to appeal to a jury.

I propose to make no distinction between the different freehold tenures in Ireland, but to disqualify the freeholder whose title is derived from a possession in fee-simple, as well as from a lease for lives. The law at present recognises no superior claim, so far as the right to vote is concerned, on the part of the fee-simple freeholder. The abuse of this species of freehold has been as great, in some parts of Ireland, as of any other; and the abuse would be multiplied ten-fold, if the existing law, in respect to the fee-simple freehold, were left as it is. The freehold qualification of life interest having been raised to ten pounds, the protection of one favoured class of forty-shilling freeholders—every other class being disfranchised—would have the appearance of injustice, and might cause much dissatisfaction and discontent.

It is not proposed—by this act, at least—to affect the franchise in corporate towns, or in any other places in Ireland, sending members to parliament, excepting counties. In corporate towns in which the right and the practice exists of qualifying non-resident freemen to vote, it would not be consistent with the principles of justice and impartiality, on which the whole measure is founded, to raise the qualification of the freehold interest, unless some concurrent regulations were made for limiting the corporate right as to non-resident freemen. If the right of conferring the freedom, excepting in special instances of public service, were limited to resident inhabitants—and if the abuses in the exercise of the forty-shilling freehold were at the same time corrected, and the right of voting from a freehold confined to the *bona fide* possessor of it—it would no doubt be a great improvement in the present system, and one that may be well deserving of future consideration. On account, however, of the difference in local circumstances of the cities and towns, full enquiry and mature deliberation would probably be requisite, before a satisfactory arrangement on this head could be made.

I admit at once the full force of the objection which will be urged against that part of the measure I propose, by which the existing right of voting is taken from the freeholder. No doubt it is a vested right, but it is a right that differs in its character from the rights of property, and other strictly private rights. It is a public trust given for public purposes—to be touched, no doubt, with great caution and reluctance; but still which we are competent to touch, if the public interest manifestly demands the sacrifice.

It will be asked, what is the compensation which you give to the parties, from whom you take a privilege vested in them by law? What return is to be made to the Roman Catholic freeholder, whose franchise is to be abolished—and still more to the Protestant freeholder, by whom it has never been abused? My answer is, that ample compensation is offered to both.

I would say to the Roman Catholic, “the stigma is about to be removed, of which you have so loudly complained. Every invidious distinction will shortly be abolished; the avenues to honour, and power, and distinction, are about to be opened to you and your descendants; you will stand erect on the footing of perfect equality. Compared with this, what is the miserable privilege which you are asked to relinquish, which has made you the instrument, at one time, of your landlord—and another of your priest—and has distracted you between the conflicting claims of gratitude and temporal interest on the one hand, and of spiritual obedience on the other?”

To the Protestant I would say, “We restore to you your just weight in the representation—you are now overborne by a herd of voters, the voice of each of whom is equal to yours—you are foremost in that industrious, honest, and independent class, whose influence will be mainly increased by the disfranchisement of poverty and ignorance?”

To both—to the Protestant and Roman Catholic I would say, “Look for a still higher compensation. Cherish the hope, that the sources of civil discord may be

dried up;—that you may be freed from mutual fears and jealousies; that a new field may be opened for the enterprise and capital of England;—and that you may find, in the gradual spreading of tranquillity and improvement, your own individual conditions elevated—and ample compensation made to you for any privilege you now relinquish, in the increased value and secure enjoyment of whatever you possess."

Sir, there is but one more subject to which I have to address myself—the question of Ecclesiastical Securities. The demand of such securities, as well as the nature of them, must, I apprehend, mainly depend upon the preliminary consideration—What shall be the future relation of the Roman Catholic Church to the State? Will you incorporate it, in any degree, with the state, and give to it a qualified establishment? Or, will you reserve all marks of public favour and indulgence for your own Established Church—maintain it in the possession of exclusive privilege—and disclaim all connexion with any other form of religious worship?

I am not insensible to the force of those arguments which have been urged in favour of admitting the Roman Catholic church in Ireland, to a qualified and subordinate establishment, by giving stipends to the Roman Catholic priesthood from the public funds. This was the measure contemplated by Mr. Pitt in 1801, and uniformly urged by Lord Castlereagh, as an arrangement which ought to accompany the removal of the political disabilities of the Roman Catholics. But, on the other hand, there are formidable objections to such an arrangement.

Other measures of regulation and control must accompany the pecuniary provision for the priesthood; and if the preliminary consent of the Papal See were indispensable to the satisfactory settlement of such measures, that circumstance alone would constitute—at present, at least—an insuperable difficulty. In undertaking the adjustment of this great question, we cannot consent to admit any foreign power to be a party to our domestic legislation. We can enter into no negotiation with the Court of Rome, in respect to the conditions on which we are willing to give to the Roman Catholics the benefit of the constitution. We must decide that question for ourselves, determined to claim nothing, by way of restriction or security, save that which is reasonable and just; but prepared to insist upon that which we do claim.

There is another and an equally powerful reason, for declining to intermeddle with the discipline or government of the Church of Rome.

Such interference, if accompanied by measures for connecting that church with the state, would provoke much greater objections throughout the country, and would give much greater offence, than the mere relief of the Roman Catholic from civil incapacities.

If we treat the Catholic question as a question of policy, and confine ourselves to the grant of civil privilege, we shall rest the discussion upon grounds totally different from those upon which we should have to discuss it, if we were to imply any sanction of the tenets of the Roman Catholic faith, or to make public provision for the inculcation of its peculiar doctrines.

It must not be forgotten, also, that the Roman Catholics themselves have, at various periods, expressed great discontent with the measures that have been suggested, for submitting their church to the control of the government. Our impression, therefore, is, that we are much more likely to give general satisfaction to the subjects of the king, Protestant and Roman Catholic, by disclaiming all connexion with the Roman Catholic religion—by leaving it on the footing of dissent—and by maintaining inviolate the exclusive establishment of the Protestant church than by taking "Securities," as they are called, such as those which have been heretofore suggested.

We have therefore no Veto to propose. We ask for no control over the appointments of Roman Catholic bishops, and we disclaim all responsibility for the fitness of such appointments. We do not believe that the power given to the Crown by a Veto, would either have the advantage which its advocates have attributed to it, or would be open to the objections which have been urged against it by its opposers. On the one hand, it would merely give to the Crown a nominal but ineffectual control; and, on the other, it would not be, as has been apprehended by the Roman Catholics, vexatiously or capriciously used to the prejudice of their church. We

willingly, therefore, relinquish a "Security" from which no real benefit would arise, but which might, after what has passed, detract from the grace and favour of the measures of relief.

So likewise with regard to the examination of the spiritual intercourse that subsists between the See of Rome and the Irish Roman Catholic Church. To such a power of examination to be vested in the hands of the government of this country, I am not at all sure whether or not an objection would be made by the Roman Catholics: but I do not desire to inspect the correspondence, and therefore feel no wish to raise the question. Being acquainted with the fact, that an intercourse in spiritual matters does exist between the Irish Roman Catholic Church and the See of Rome—so far am I from thinking that a power of inspecting it would be satisfactory to the people of this country, that I imagine it would have a contrary effect; and so far from wishing to examine it, I had much rather (and I believe the majority of the country is influenced by the same desire) that the Secretary of State should have no more to do in the way of interference with the spiritual affairs of the Romish Church, than he has to do with the internal discipline and regulations of the Wesleyan Methodists. If the time shall ever arrive, when, from a change of circumstances, danger shall arise from the intercourse in question, I, for one, after the abolition of the civil disabilities of the Roman Catholics, should have no hesitation in coming down to this House, and asking for a law to regulate or interdict any such intercourse, or to require all the correspondence that might be passing—every document, lay or spiritual—to be submitted to the inspection of his majesty's government. The great advantage of settling the Roman Catholic question, and composing the differences at present existing in Ireland, consists in this—that after we have set this matter at rest, we shall be enabled to demand and take any securities that may be necessary. We shall then be able to maintain a high, independent, and uncompromising tone towards the Roman Catholics of Ireland, and legislate for them as for others of his majesty's subjects. At present we cannot act thus, and the unsettled state of the Catholic question prevents us from taking the steps which might be necessary for the security of the Protestant Church.

There are, however, some points—in no respect trespassing on any legitimate privileges or discipline that the religion of the Roman Catholics requires to be preserved inviolable—which may be so arranged and regulated as to afford great satisfaction, and a sense of security to the Protestant mind. With this view I think it fit to provide, that when Roman Catholics are admitted to the enjoyment of corporate offices, and other offices of a similar nature, under no circumstances whatsoever, shall the robes and other insignia of office be taken to or exhibited in any other place of religious public worship than one belonging to the Protestant Established Church of England.

A practice has occasionally of late prevailed in Ireland, which is calculated to afford great, and I may add just, offence to Protestants—I allude to the practice of claiming and assuming, on the part of the Roman Catholic prelates, the names and titles of dignities belonging to the Church of England. I propose that the episcopal titles and names made use of in the Church of England, shall not be assumed by bishops of the Roman Catholic Church. Bishops I call them, for bishops they are, and have, among other privileges, a right to exercise the power of ordination, which is perfectly valid, and is even recognised by our own church; but I maintain it is not seemly or decorous for them to use the styles and titles that properly belong to prelates of the Established Church—much less publicly and ostentatiously to assume them, as of late. This will be prevented in future.

There is another point, also, with respect to which the Bill will make a provision—I allude to certain societies and communities which have excited great suspicion and distrust in the minds of persons in this country: I mean the extension of orders and communities bound by monastic vows; more particularly of that order generally called the order of Jesuits. Sir, I do think that some provision upon this head is necessary. At present the individual members of such societies are not under the control of law, and with the existing communities I do not propose to interfere. However, it is manifestly right that we ought to know the numbers of these societies, and who are the members of them; and, with a view to obtain this information, government intends to make a provision for

having the names and numbers of the individuals composing such communities registered.

We also require that communities, bound by monastic vows, shall not be extended in this country in future; and we mean to provide against the entrance among us of a class of men, against whom other countries have set their face; and who may, therefore, resort to this country in greater numbers on that account—I mean the order of Jesuits. Other countries have taken precautions against them—why should not we? The state of the law as now proposed to be established will give to every party belonging to these religious orders and communities the full enjoyment of the rights which they possess at present; it will confirm their existing privileges on a registration of their names and numbers. We have a clear right to take measures of security and precaution against the entrance of other members of these orders into the country, and against the extension of religious communities being under the control of foreign superiors, resident at the court of Rome. The state of the law, as it has hitherto existed on this subject in England—the expulsion of these communities from other states—their arrival here with considerable funds, which have been unwarrantably applied, by means of secret trusts, to the foundation of endowments in this country—these circumstances have given rise to alarm and uneasiness among many persons, and are fit subjects for legislation. The bill to be introduced will, therefore, take precautions against the future arrival of Jesuits; will render a registration necessary of those who are here at present; and will prevent the extension of communities under religious or monastic vows, which are in no way necessary to the free exercise of the Roman Catholic religion.

Such, Sir, will be the principal heads of the measure which it is the intention of his majesty's ministers to call upon parliament to adopt. I have not intentionally omitted any provision which it is meant that the intended Bill shall contain. I shall propose to the House to resolve itself into a committee of the whole House, for the purpose of adopting a resolution which will be the foundation of a Bill for the admission of Roman Catholics to civil privileges, and of making the other regulations, the particulars of which I have detailed. After the resolution shall have been agreed to, I will move for leave to bring in a separate Bill, the object of which will be the regulation of the elective franchise.

I have now completed the task which I have undertaken, and shall devolve upon the House the duty of dispassionately considering the measures I have submitted for composing the troubles of Ireland. Let them be discussed with the moderation and temper befitting the character and the importance of the subject, with a due sense of the difficulties which the pursuit of any other course would have presented; but, above all, of the fearful consequences of rejecting this attempt at a final adjustment.

Sir, objections, solid objections, if considered abstractedly, may be brought forward against the details of every measure of an extensive and complicated nature, like the present. Depend upon it, we never shall settle the Catholic question, if every man is determined to settle it in his own way, and according to his own peculiar views and wishes. We never shall settle it, unless we are prepared to make mutual concessions and sacrifices. I admit the possibility of danger from the grant of Relief; but I ask the Protestants whether there be not a prospect, that, by uniting the Protestant mind on this subject, we shall be able to find new and sufficient securities, against any difficulties that may possibly arise out of the settlement of this question. I ask the Roman Catholics to contemplate the extent of privilege that is conferred, and the sacrifices which we make, by consenting to repeal the laws which have given an exclusive character to the legislature and government of this country. Let them meet us in the same spirit, and manifest an anxious wish to allay every reasonable apprehension. God grant that the sanguine expectations of those who for so many years have advised this settlement may be fulfilled! God grant that the removal of the disabilities, that have so long affected our Roman Catholic fellow-subjects, may be attended by the desired effect; and assuage the civil contentions of Ireland!—that, by the admission of the Roman Catholics to a full and equal participation in civil rights, and by the establishment of a free and cordial intercourse between all classes of his majesty's subjects, mutual jealousies may be removed; and

that we may be taught, instead of looking at each other as adversaries and opponents, to respect and value each other, and to discover the existence of qualities, on both sides, that were not attributed to either!

Perhaps I am not so sanguine as others in my expectations of the future; but I have not the slightest hesitation in saying, that I fully believe that the adjustment of this question, in the manner proposed, will give better and stronger securities to the Protestant interest and the Protestant establishment, than any that the present state of things admits of; and will avert evils and dangers impending and immediate. What motive, I ask, can I have for the expression of these opinions, but the honest conviction of their truth? I have watched the progress of events. I have seen, day by day, disunion and hatred increasing, and the prospects of peace obscured by the gloomy advance of discontent, and suspicion and distrust creeping on "step by step"—to quote the words of Mr Grattan—"like the mist at the heels of the countryman." I well know that I might have taken a more popular and a more selfish course. I might have held language much more acceptable to the friends with whom I have long acted, and to the constituents whom I have lately lost. "*His ego gratiori dictu alia esse scio; sed me vera pro gratis loqui, et si meum ingenium non moneret, necessitas cogit. Vellem equidem vobis placere: sed multo malo vos salvos esse; qualicunq; erga me animo futuri estis.*" In the course I have taken, I have been mainly influenced by the anxious desire to provide for the maintenance of Protestant interests; and for the security of Protestant establishments. This is my defence—this is my consolation—this shall be my revenge.

Sir, I will hope for the best. God grant that the moral storm may be appeased—that the turbid waters of strife may be settled and composed—and that, having found their just level, they may be mingled, with equal flow, in one clear and common stream. But, if these expectations are to be disappointed—if, unhappily, civil strife and contention shall survive the restoration of political privilege:—if there be something inherent in the spirit of the Roman Catholic religion which disdains equality, and will be satisfied with nothing but ascendancy—still, I am content to run the hazard of the change. The contest, if inevitable, will be fought for other objects, and with other arms. The struggle will be—not for the abolition of civil distinctions—but for the predominance of an intolerant religion.

Sir, I contemplate the progress of that struggle with pain; but I look forward to its issue with perfect composure and confidence. We shall have dissolved the great moral alliance that has hitherto given strength to the cause of the Roman Catholics. We shall range on our side the illustrious authorities which have heretofore been enlisted upon theirs;—the rallying cry of "Civil Liberty" will then be all our own. We shall enter the field with the full assurance of victory—armed with the consciousness of having done justice, and of being in the right—backed by the unanimous feeling of England—by the firm union of orthodoxy and dissent—by the applauding voice of Scotland; and, if other aid be requisite, cheered by the sympathies of every free state in either hemisphere, and by the wishes and the prayers of every freeman, in whatever clime, or under whatever form of government his lot may have been cast. I move you, Sir,

"That the House resolve itself into a committee of the whole House, to consider of the Laws imposing Civil Disabilities on His Majesty's Roman Catholic Subjects."

[Loud and protracted cheering followed the conclusion of the right hon. Secretary's Speech. It occupied more than four hours in the delivery. Throughout the right hon. gentleman was listened to with the most profound attention, and at times the cheers were so loud as to be heard in Westminster-hall and the passages leading to the lobby.]

At the close of Lord Milton's speech the debate was adjourned till to-morrow.

MARCH 6, 1829.

On the presentation of certain petitions on the subject,—

MR. SECRETARY PEEL expressed a hope, that the discussions on this important question would be carried on with as much good-humour as was compatible with the differences of opinion which existed with respect to them. As he was now up, he would take the opportunity of stating the course which ministers intended to pursue

with respect to the intended measures. If the House should go into the committee, which he hoped and trusted it would do that night, it was his intention to move in the committee a resolution to this effect,—while he was on his legs.—That it was desirable to repeal the laws which imposed civil disabilities on the Roman Catholics, with such exceptions as might be necessary to give full security to a Protestant State as by law established, and as would be sufficient for the protection of the Rights of the Church and of the Clergy. If the committee should agree to this, he would move for leave to bring in a bill to carry it into effect, and also for a bill to regulate the qualifications for the exercise of the elective franchise in Ireland. He could not bring in these bills sooner than Monday, and on their being read a first time, he would move that they be printed, and wait until that day week for the second reading; by which ample time would be given for the presentation of petitions from any part of the country on the subject. He knew his noble friend (the Marquis of Chandos) was too generous to press any thing hardy, and that his opposition would be conducted in a fair and frank manner. He trusted, therefore, he would now permit the debate to proceed, and defer the presentation of any petitions he might have to another evening.

The adjourned debate was at length resumed, and, after a somewhat stormy discussion,—

Mr. Peel rose to reply. He said, that although so much of the discussion which was adverse to the proposition now about to be decided upon by the vote of the House, had had personal reference to himself, he yet felt himself relieved from the necessity of availing himself of his privilege of reply to rebut it. He would not avail himself of that privilege, because he thought the interests involved in the question were so important and so complicated, that any topic of individual or personal concern became matter of comparative insignificance. Of all the appeals which had been made to him, there was but one which he would notice, and during the remainder of these discussions this should positively be the last appeal he would notice with respect to his own personal conduct. He had explained the reasons for changing the course which he had formerly pursued, and the circumstances which placed him in the situation of having to propose this measure as a minister of the Crown. If those explanations had not been satisfactory, he could not help it. He had nothing to add to them; and he felt that he should only be diverting the attention of the House from matters of much greater moment—of much higher public concern—if he noticed any observations referring to himself, which might hereafter be made. But one question had been asked by the noble member for Anglesey (Lord Uxbridge) to which he was desirous of giving an answer. The noble lord had complained of the change which had taken place in his sentiments; but if he mistook not, the noble lord would find in his own family an honourable example of a similar change.

Lord Uxbridge rose with some haste, and asked the right hon. gentleman, whether he referred to the recent conduct of his father? If so, he must strongly object to such an allusion.

Mr. Peel said, he had not the slightest intention to offend the noble lord, and he begged pardon if he had done so: but he thought he recollected, that a brother of the noble lord, in a manner which did him the highest credit, did, in the course of last session, avow a change of opinion. That noble individual had declared, that having been in Ireland, and observed the state of things there, he had seen reason to change the opinion he had up to that time held with respect to the Catholic question. The reference he made to this circumstance was intended only to the honour of the individual alluded to. The noble lord had asked, why he (Mr. Peel) had not in 1827 taken the course which he had taken in 1828; and why he had not consented in 1827 to assist Mr. Canning, either in carrying on his government or in the adjustment of the Catholic question. To that question he replied, that there was a material difference in his situation in 1827, and his situation in 1828. In 1827, a new House of Commons decided against concession; but in 1828, it decided in favour of it. He then took the course which he adopted in 1825, when Lord Liverpool was at the head of the government. He begged to refer the noble lord to the debates which took place in that House in 1827, and he would find, in the usual record (Hansard's Parliamentary Debates) that he did state the course he had pursued in 1825, precisely as he had stated it last night. He would quote the words from the work alluded to—

"In 1825, after I had been left in minorities on three different questions immediately connected with Ireland—the Catholic Question, the Elective Franchise, and the Payment of the Catholic Clergy (which I thought something very like the establishment of the Roman Catholic religion in Ireland)—I waited on my noble friend then at the head of the government. I told him that, personally, it was painful for me to disconnect myself from those whom I esteemed and respected; but that, having been left in a minority in that branch of the legislature of which I was a member, I anxiously desired to be relieved from my situation. The reply of my noble friend was, that my retirement would determine his own. I finally consented to remain in office: my noble friend declaring, that he deemed it of the highest importance that the Secretary of State for the Home Department should possess opinions as much as possible in accordance with those of the Prime Minister. He represented to me the difficulties he should experience in filling up the situation, and in short, that my retirement must determine his own. I was thus induced to waive my wish for retirement, and to consent to remain until a new parliament had pronounced an opinion upon the great question which interests and agitates Ireland."

In 1827, a new parliament did decide with him in favour of resistance to the Catholic question. In 1828, the same House of Commons took a different course, and left him in a minority; and he then determined no longer to remain responsible for the conduct of the affairs of Ireland, with a minority upon the Catholic question, in that House. The noble lord would find, that his late right hon. friend, Mr. Canning, did full justice throughout to the motives which induced him to decline, as he would now under the same circumstances, to be a member of his government. During the whole course of the discussions his late right hon. friend admitted the impossibility of his joining him. His late right hon. friend, in the course of one of his speeches, said,

"To begin with the more agreeable part of my task, the speech of my right hon. friend, I shall confirm the greater part of that speech. I can bear testimony that, throughout the whole of the discussions that have taken place since parliament was adjourned, I have kept up with my right hon. friend the most constant and confidential intercourse; and throughout have I found in him the same candour and sincerity, and the expression of the same just feelings, and a uniform exhibition of the same high principle, to which he has laid claim in the address which he has this night delivered. I assure the House, that they much mistake the position in which I have the honour to stand, who believe that position to be one of gratified ambition, or as conveying the feeling of unalloyed satisfaction. From the beginning of these discussions I foresaw—both of us foresaw—that they must terminate in a separation; which I hope to God may be only for a time. Had the question been merely between my right hon. friend and myself, and had it been to be decided by his retirement, or by mine, I do most solemnly declare it should have been decided by the latter alternative."

He still believed that his retirement from the government of that period, was for the advantage of the king's service. That, he believed, was also Mr. Canning's opinion. For how could the government have acted effectively with Mr. Canning advocating the settlement of the question in that House, and he opposing it, with only a majority of four? In 1828, when the question was last brought forward, and when he found himself again in a minority, he had said, "The time is now come, when a new parliament has decided against me, and when the House of Lords are in a state of division upon the question; the time is arrived, when an attempt to settle the question must be made, and to that attempt I will lend my aid." With reference to quite another matter he found, in another part of Mr. Canning's speech, a passage which he would refer to, because it contained the opinion of Lord Liverpool, with respect to the probability of forming a united government opposed to concession. Lord Liverpool stood justly high in the estimation of the country. He had conducted the affairs of the nation for a longer period than most ministers during the last century. His memory was held in respect, and he felt confident that his opinion, with respect to the probability of forming a united cabinet, in the present state of the public mind, determined to offer unqualified opposition to the Catholic claims, would be received with attention. The following was the passage in Mr. Canning's speech, and he could undertake to vouch for the correctness of the statements which it contained:—"Not many months ago, from quarters which I will not name, strenuous advice was addressed to his majesty, to place his government on a footing of unani-

unity, with respect to the Catholic question; and that unanimity to be one of uniform opposition to that question. Lord Liverpool, to whom this advice was communicated, at the same time that it was addressed to his majesty, in a letter to his majesty, stated first, that having been one of the original authors of a government divided in opinion on that question, he, for one, never could consent to become a member of a government modelled upon the principle of exclusion. Lord Liverpool also added, that as he was called upon to give his advice to his majesty, he must say that, in his opinion, it would be extremely difficult to accomplish the formation of such a government."

When, therefore, hon. members spoke of the facility with which a Protestant government might have been formed some time since, he appealed with confidence to the opinion and the intention of Lord Liverpool, to prove that the difficulty was rather greater than some persons imagined. Some hon. members had imputed to government the taking the House by surprise. Now, apart from the considerations connected with the discussions on the principles and details of measures which had been brought forward during the last sixteen years, he would ask, whether, with respect to the isolated proceeding under the notice of the House, government could be fairly charged with precipitation. The contents of the King's Speech were a sufficient indication that the adjustment of what was called the Catholic question was in contemplation. On the first day of the session, he was asked by the hon. member for Dorsetshire, what was the general principle of the measure? His answer to the hon. member was, "that he would go so far as to state that the measure would contemplate the general removal of disabilities, though there would be some exceptions and other arrangements." That intimation was given on the 5th of February. It was now the 6th of March, and yet the House had not proceeded a single step with the measure. That simple statement of fact negatived the imputation which had been thrown out. Another objection which had been made to the motion he had had the honour to propose was, that it gave to the Roman Catholics complete emancipation. It did so. The basis on which the measure proceeded was that which he had explained last night,—namely, equality of civil rights. The more he thought on the subject, the more he was satisfied, that if we once made up our minds to abandon the present system of exclusion, there was no intermediate point at which we could safely and consistently stop, short of the repeal of civil disabilities and the restoration of political rights. Some persons might consider that what was about to be granted was a free gift which we had a right to withhold, but which was granted from motives of expediency. Others might consider it a debt which we were not justified in withholding. If it were not a free gift, and we had no right abstractedly to withhold it, let us give all we could safely give. If it were a free gift, and we might be justified in withholding it, let us give the more generously. If we owed a debt, let us pay twenty shillings in the pound. If of that debt they paid only fifteen shillings in the pound, the question would remain in agitation until the full twenty shillings were paid. But it would be because the twenty shillings had been paid, that if any effort were made to extort one single shilling more than was lawfully due, the most strenuous opposition would be offered to such attempt.

Another objection had been made to the proposed measure. It was this:—that it was unaccompanied with any securities, or at least any adequate securities. But what, he would ask, were the securities required? Let it be recollected, that the simple point was, whether the question were or were not to be settled? If it were not, then there was an end of the matter. If it were to be settled, let them at least hear what the securities were. He doubted very much, whether if he had proposed to incorporate the Catholic religion with the state,—to make provision for the ministers of that religion, to regulate the appointment of those ministers, and to interfere with and control the intercourse of the Roman Catholics with the See of Rome,—he doubted, he said, very much, whether he should not have been told, that such propositions were inconsistent with the coronation oath, and with the maintenance of the Established Church. He very much doubted, whether the people of this country would not have looked upon such regulations with infinitely greater distrust, than they would upon such an arrangement as would place the Catholic upon precisely the same footing as other Dissenters from the Established Church. When he looked at the petitions which had been sent from the Protestants of Ireland,—and he had examined all those petitions with the greatest attention,—he could not help observing one very extra-



ordinary coincidence. These petitions prayed for three particular securities, and the prayers of them were couched in terms so exactly similar, whether they came from the county of Wicklow, or from the county of Cork, or from the county of Armagh, or from the county of Wexford, that it was impossible to arrive at any other conclusion, than that those prayers, and the terms in which they were conveyed, had been suggested by some common head, and originated in the same common source. And what were the three securities prayed for? Why, the first was, "Put down the Catholic Association." The second was, "Correct the evils of the elective franchise of Ireland." And the third was, "Abolish the order of Jesuits in this country." Now, the bill which he proposed to introduce happened to contain all these securities. And if the necessity for them were as great as the petitioners contended they were, let him be answered this question,—would the Protestants ever have had the least chance of obtaining them, if his majesty had not recommended that the disabilities of the Catholics should be taken into consideration, with the view to an adjustment of this question? Look at the division of the House of Commons last year;—look, as they very shortly might, at the decision of the House of Commons that night—and tell him, whether any man would say that it was possible, though the unanimous voice of the Protestants of Ireland declared these securities to be necessary, that any one of them could have been obtained, unless a proposal of adjustment had been made.

He must say, that notwithstanding so much of this debate had turned upon the observations which had fallen from him last night, he had heard no answer to this question—"If you do not like my proposal, what is it that you propose to do under the present circumstances?" He was well aware that much might be said against his proposal. His hon. friend the member for Dublin, might make again, as he had made that night, an able disquisition on what passed in 1688; but his hon. friend might depend upon it, that able disquisitions were not sufficient now. They would not meet the difficulties of the present time. Something must be done; and if it were not what he proposed to do, what was it? This, he repeated, had not been answered. It seemed to be considered as a sufficient answer to the position, that no stable government could be formed on the principle of exclusion, to say—"Only dissolve the parliament." Only dissolve the parliament! That was to say, dissolve the parliament, and in the mean time leave the Catholic Association, leave the elective franchise, as they were. Where, he would ask, were the ministers who would advise a dissolution of parliament, leaving the agitation complained of, not as it was, but increased in a tenfold degree by the disappointed expectations which had been excited by a neutral government, and by the formation of an exclusive government, which, if it could be supposed to last, must extinguish even hope. If the parliament were to be dissolved, the Catholic Association must be left as it was; for the law-officers of the Crown had declared, that the common law was inadequate to suppress it; and, being so left, it would overturn the representation of Ireland. Whatever majority they might have from Great Britain, that majority would not justify them in bursting asunder the ties between landlord and tenant in Ireland, and in strengthening the influence of the priesthood in that country. The Protestant majority returned from Great Britain could not restore matters to the state in which they were before. If eighty or ninety representatives were returned in the interest of the Catholic Association, and, forming themselves into a compact and united band, were determined to oppose and to harass it nightly, how, he would ask, could the government transact the affairs of Ireland? He knew that they could carry the measures they proposed; but he knew also, that no government could carry on the local administration of Ireland if they were to be met by such a decided opposition at every turn. There were many nice distinctions by which they must carry on civil government; and the details connected with it, though unseen, were most important. It had been said, "Increase the army, or the constabulary force in Ireland." They could not apply a greater force than was now engaged by the government in Ireland. He would state one simple fact. Above five-sixths of the infantry had last summer been employed in conducting the government of Ireland [cries of hear]; employed in conducting the government, not in repressing violence, but chiefly in interposing between two hostile parties. He had said, and he would repeat, that they could not calculate what the consequences would be, if they

declared that they would resist all further concession. There must, under such circumstances, be a most violent reaction, which would compel them gradually to this alternative; namely, instead of resting the civil and social government on its base, to reverse it, and rest it on its apex. Unwilling as he was to repeal those laws which conferred a character exclusively Protestant on the legislature, still he did believe that the Catholics were acquiring that power, by their wealth, their numbers, and above all by the advance of education; that with their numbers, with their wealth, and with their education, joined to their expectations and to the justification of those expectations by a majority of that House in their favour, it was less dangerous to incorporate them with the state, than to attempt to continue the exclusion of them therefrom. He did see, by the course of events, by the eloquence which had been displayed in their behalf, and by the decisions of four Houses of Commons in their favour, that a compact had been established in that body, which could not be dissolved but by admission to the state. The bond of connexion could not be dissolved by any other means; and, let it be recollected, it was not merely a bond which united the Catholics, but a bond which also united with the Catholics all those whose religion differed from that of the Established Church. All who were subject to disabilities on account of religious opinions, looked upon the cause of the Catholics as their own; so far as it regarded the removal of such disabilities. This connexion would be dissolved if the disabilities were removed; but he did not believe that they could devise any laws, while the Catholics were supported by so powerful a body in parliament, that would be adequate to repress that volatile and diffusive spirit, as it had been called, with which they should have to deal in Ireland. In conclusion he would merely add, that not having heard even an attempt at a reply to the question which he had invited his opponents to answer, he was completely satisfied that no other course than that which he had proposed could be adopted.

The House then divided: Ayes, 348. Noes, 160. Majority for the Resolution, 188. The House immediately resolved itself into a Committee, in which Mr. Secretary Peel moved:—

“That it is expedient to provide for the repeal of the Laws which impose civil disabilities upon the Roman Catholic subjects of His Majesty, with such exceptions, and under such regulations, as may be required for the full and permanent security of the Establishments in Church and State, for the maintenance of the Reformed Religion, established by Law, and of the rights and privileges of the Bishops and of the Clergy of this Realm, and of the Churches committed to their charge.”

The Resolution was agreed to, and ordered to be reported on Monday; after which the House adjourned at three o'clock on Saturday morning.

### MARCH 9, 1829.

After the presentation of several petitions for and against the measure, Mr. Banks (who had fourteen to present from different parishes in Dorsetshire) expressed a wish on his own part, and on the part of those with whom he acted as to this measure, to state, that they had no intention of debating the bill, or dividing upon it that night; and he suggested, therefore, that more time might be allowed for presenting petitions. It was his intention, and that of his friends, to have a division on the second reading, and at every subsequent stage of the bill. The whole country was desirous to know what were its provisions, and the sooner it was printed the better, in order that the people might form their opinions upon it.

Sir E. Knatchbull having supported this view of the subject,—

MR. SECRETARY PEEL entirely acquiesced in the propriety of the arrangement proposed by the hon. gentleman, which he confessed he considered likely to be much more convenient to all parties than the adoption of an opposite course, and also likely to conduce to a proper understanding of the measure to which the House was called upon to consent. It was perfectly clear, that a waiver of discussion in the present stage of the bill, could not be taken as concluding the ultimate opinion of any person. It was a mere declaration, that there should be an opportunity without further division, of having the bill introduced and printed, with a view to its being better understood. They would thus admit the introduction of the measure, which was to be discussed on the second reading; that was all. For his

part, he was disposed to give every latitude to the presentation of petitions. He was a little averse from discussion. On this occasion he had every confidence in the declaration of the hon. member for Dorset, and was ready to believe, that however late the period of the night, or however small the attendance of members in the House when he should bring the subject forward, no objection would be offered to his reporting the resolutions, bringing in the bill, and moving that it be read a first time and printed. He wished, however, that it should be distinctly understood that such was to be the case.

Mr. G. Bankes demanded, on behalf of the country, that further time should be allowed before the next important step on which a division could be taken, was adopted.

Mr. Peel said, he must, in the first instance, express his surprise that his hon. friend should require more details concerning a question which had been so fully considered. He had rather understood his hon. friend to say the other evening, that the facts he (Mr. Peel) had stated, were so perfectly notorious, that it was unnecessary to confirm them by any official account. Surely his hon. friend could never have expected that his majesty's ministers should propose this question to a Select Committee of all others. Besides, in 1825, the House of Commons had appointed a Committee for the purpose of considering every question relating to the state of Ireland, with the view to settle the Catholic question; but it was expressly excluded from the consideration of a Select Committee, because it was felt that the investigation of a question like that, of extreme constitutional importance, could only be safely done by the whole House. On three preceding occasions, the House had passed bills to effect the object which this bill was intended to accomplish; but it had never yet been proposed to suspend the proceedings, in order to refer the question to a Select Committee. The House had never thought of transferring a matter of such immense moment to a Select Committee. If the word "consideration" were used, it meant, that the consideration should be by the whole House; and he had fulfilled the intentions of his majesty in bringing forward the bill for giving effect to the royal recommendation.

Sir R. H. Inglis contended that both the House and the country had a right to require more time.

MR. SECRETARY PEEL said, that if the proposed delay were for the general convenience of the House, he should have no objection to alter his arrangement [Cries of "no, no!" mixed with "hear, hear!"]. At all events, he was quite ready to answer the appeal that had been made to him. He had always, from the very commencement of the measure, proposed to leave one week between the introduction of the bill and its second reading; and he thought that this was a very ample allowance of time, after the preparation which his majesty's speech must have given the country on the subject; for it was impossible that, after that period, the country could have remained ignorant of the main features of the measure. It had been stated in the course of the evening, that they ought to wait until the law against the Association had been carried into execution; but if they were to do so, he would take leave to say, that they would not be in consonance with the Speech from the Throne. The speech merely recommended that power should be given to his majesty to maintain his just authority: that power had been given by the act which had just passed, and therefore, in perfect conformity with the speech, they were at liberty to take the measure into consideration immediately. The only question that he could see, was the grand question that arose on the principle of the bill. He had already declared fully and openly, that that principle was expressly to give relief to the Catholics. Of that declaration, the House would have been in possession for more than a week before the second reading would come on; and they would, therefore, be fully able to form their judgment upon it, and on the general purport of the bill. If there were any suggestions to be made, the best time for making them would be in the committee; and whether it were for the purpose of proposing new exceptions, or fresh securities, there would be adequate time afforded at that period. On whatever day he brought forward the measure—whether on that evening or the following—he should think it right to give an interval of an entire week; but further time than that, he thought there could be no necessity for. It

was possible that he might not be able to bring the bill forward that evening; in which case he should do it on the following.

The report of the resolutions of the committee of the whole House was at length brought up and agreed to, and Mr. Secretary Peel obtained leave to bring in a bill in conformity therewith; and also a bill for the Regulation of the Elective Franchise in Ireland.

MARCH 10, 1829.

MR. SECRETARY PEEL brought in the above-mentioned Bills; and, with reference to the former, he in the course of the evening said, he rose for the purpose of deprecating any further discussion on the merits of a bill which was not at present regularly before the House, and especially on the erroneous principles on which the hon. member for Armagh had ventured to argue it. He entreated the hon. member to consider, whether it were proper to found his argument against the disfranchisement bill on the gratuitous assumption, that it was a penal law inflicted by the government on the lower orders of the Catholic population of Ireland. It ought never to be considered as a penal law affecting only one part of the population, for he proposed to extend the principle of disqualification which the bill contained to all the forty-shilling freeholders alike, whether Presbyterian Dissenters, Roman Catholics, or Protestants of the Church of Ireland. He entreated the hon. member to recollect, that he maintained the franchise of the freeholder inviolate, where it was to be exercised in corporate towns in conjunction with freemen, so that this measure ought not to be represented as a measure not founded in equality and justice. He would entreat the hon. member to read the evidence given by Roman Catholic gentlemen and by Roman Catholic ecclesiastics to the committee appointed to enquire into the effect of the present mode of exercising the elective franchise in Ireland. He would also entreat him, whilst reading that evidence, to recollect, that it was given at a time, and under circumstances, which prevented it from being suspected. The respectable individuals to whose evidence he alluded, stated their opinions in very decisive terms as to the effect which raising the amount of the elective franchise would have in raising the independence of the peasantry. Let him read that evidence, given by the Roman Catholics themselves, and then say whether it were fitting to hold up this bill as a bill which was going to introduce a new penal law into Ireland. There were many other matters of importance, which ought to be considered in forming an opinion on the propriety of passing the disfranchisement bill. Was there any want, for instance, more seriously felt in Ireland, than the want of an independent yeomanry, that connecting link between the aristocracy and the lower orders? Let the hon. member consider the effect that the proposal to raise the elective franchise would have in raising up such a class, and in giving to the country a body of respectable and independent voters. He would not have alluded to this bill at all to-night, if the hon. member for Armagh had not rested his argument against it on grounds on which it ought not exclusively to rest. He had examined into the number of voters registered in the hon. member's own county; but, as it would be invidious, he would not mention what the result of his enquiries had been, or what the conclusion had been which he deduced from it. He would therefore take another large and populous county in Ireland, and would inform the hon. member, that by the enquiries which he had instituted in that county, he found that, since the year 1823, twenty-three thousand seven hundred freeholders had been registered, and that of this number nineteen thousand two hundred and five were marksmen, who could not write their own names. For voters of such a character, he proposed by this bill to substitute a class of really respectable and independent electors. In another county, where from ten thousand to fifteen thousand voters had been registered within the same time, he had ascertained that not more than a hundred had applied to be registered at their own instance, and that the registration of the rest had been made at the instance and expense of liberal clubs, or of gentlemen, who expected the votes of the freeholders so created to be given as they directed. Let the House take these points into their consideration. Let them look at the representations which had been made upon this subject by intelligent and disinterested witnesses, and then, if they were satisfied that the cause of religion would be promoted by cutting off the temptation to perjury which these

fictitious freeholders presented—if they were satisfied that it would give a higher tone to the peasantry—if they were satisfied that it would raise a respectable and independent body of electors—let not the period of its introduction to their notice be an insuperable barrier to the passing of a measure, which, independently of its connexion with the Roman Catholic question, was likely to be productive of great and permanent benefit to Ireland. He admitted that it would not be easy to calculate the number of freeholders which there would be in each county, under the improved system which his bill was intended to produce. Even if the number of £20 freeholders were known, it would not be easy to determine how many freeholders there were with £10 or £15 a-year, inasmuch as all freeholders under £20 a-year were registered merely as forty-shilling freeholders. In one of the extensive and opulent counties in Ireland to which he had directed his enquiries, he had ascertained that there were two thousand two hundred and sixty-eight £50 freeholders. Now, if upon such a datum he might venture to conjecture what the number of £10 freeholders would be in that county, he thought there would be a probability that they would get, not only in that county, but in the other counties of Ireland, exactly that class and that number of voters which he should most wish to see in possession of the elective franchise. He should not have been tempted by any considerations personal to himself to say thus much, but it appeared to him to be necessary to see that this question was rested upon other grounds than those which the hon. member for Armagh had stated; that it ought not to be considered as the purchase of the Catholic Relief Bill; and above all, that it ought not to be considered as a penal law inflicted upon the forty-shilling freeholders for the decisive part which they had taken at the late elections.

### JUVENILE OFFENDERS ACCUSED OF LARCENY.

MARCH 12, 1829.

Mr. E. Davenport having moved for leave to bring in a Bill to extend the power of summary conviction in certain cases of Juvenile Offenders accused of Petty Larceny,—

MR. SECRETARY PEEL said, he would not oppose the motion; at the same time, he considered the measure to be one surrounded with great difficulties, to get rid of which required serious deliberation. It was impossible to deny that great evil resulted from the committal of young persons to prison to abide their trial. At the same time, he thought the power of summary conviction, in cases alluded to by the hon. member, who had rather laxly specified the age of the parties and the nature of the offences to be dealt with, required great caution in the arrangement of the details, even if the propriety of the principle and its applicability in this instance were admitted. He himself had had under his consideration for some time, and intended to bring forward, if matters of greater importance had not interposed to prevent him, a measure for the regulation, qualification, and jurisdiction, of magistrates; and also with respect to the management and holding of petty sessions. He certainly thought the hon. member's proposition would come forward under more favourable circumstances, if the measure which he had had in contemplation, relative to the jurisdiction of county magistrates, had been first carried into effect. He acquiesced in the introduction of the present bill, without pledging himself to any opinion in its favour. It should receive his best consideration; but he feared there were more difficulties in the way of the adoption of the plan than the hon. member appeared to be aware of. As an additional objection to the measure, Mr. Peel alluded to the possibility of persons of tender age being stimulated to commit offences by individuals of greater experience, if it were determined that youthful criminals should, in all cases, be more favourably dealt with than others. He therefore objected to the principle of fixing a certain age to which, without reference to other circumstances, the bill should apply. He would take occasion to mention, with reference to the police of the metropolis, that his attention had been given to the subject during the entire of the last summer, and that he had prepared a bill, founded on the report of the committee, which circum-

stances, already alluded to, had prevented him from submitting to the attention of the House.

Leave was given to bring in the Bill.

## ANATOMICAL SCIENCE—SUBJECTS FOR DISSECTION.

MARCH 12, 1829.

In a brief discussion on Mr. Warburton's motion for leave to bring in a bill "to legalize and regulate the supply of subjects for anatomical purposes,"—

MR. SECRETARY PEEL said, he considered that nothing would be more useless than for him to waste the time of the House in discussing the importance of anatomy. The necessity of anatomy to medical science had been admitted on all hands; and if its existence were necessary, it would follow that a supply of subjects was also necessary. The question, then, for the House to consider was, the mode of obtaining that supply. By the present law, the teachers of anatomy were compelled to resort to illegal means of procuring dead bodies, and to associate with those who committed the most egregious violations of decency, and were too often capable of any atrocity. That such was the fact, the answers to the questions contained in the report of the Committee on Anatomy must carry conviction to the mind of every hon. member. One of the witnesses who was much engaged in the supply of subjects for the London schools, stated that he had, in one year, himself supplied three hundred and five adults, forty-four children, and forty-three infants; in another year three hundred and twelve subjects; in the next year two hundred and thirty-four; and in the following summer, two hundred and forty-four subjects. He stated also that he was paid at the rate of four guineas each for the adults, and that he sold the children at so much per inch: This in itself showed the great demand that existed for dead bodies, and the great temptation that was held out for furnishing the necessary supply. But, if proof were necessary on this point, and that something ought to be done by the legislature, the atrocities that had come to light within the last six months, afforded more than sufficient. It was absolutely necessary that something should be done to check the evil, were it only out of regard to those feelings which they all held in the highest respect; and no proposition with that view appeared to him so unobjectionable in principle, and so likely to be beneficial in practice, as that just submitted to the House by the hon. member for Bridport. He thought, however, that the bill should contain a clause, by which it would be obligatory on parties demanding subjects, not only to give their names, but, to prevent professional jealousy, that they should be licensed teachers of anatomy. Such a clause, he thought, would add to the beneficial effects of the hon. member's measure. It could not be objected to the measure, that it would render the bodies of the poor more liable to dissection than those of the rich; for, in consequence of the present practice, the bodies of the poor were more readily acquired. It could not, therefore, be charged as an objection to the bill, that it would render the poor who died more liable to be dissected than the rich. Besides, the poor themselves would be the parties most benefited by the measure; for the rich possessed the means of obtaining professional efficiency far beyond those within the reach of the poorer classes; upon whom, therefore, all improvements in medical science must have a more direct effect. He would give his support to the bill; which, he trusted, would contain provisions which, while they promoted medical science, would effectually prevent a renewal of those atrocities by which public feeling had been lately outraged.

Leave was given to bring in the bill.

## MILITIA BALLOT SUSPENSION BILL.

MARCH 17, 1829.

MR. SECRETARY PEEL said, he rose to move for leave to bring in a bill "to suspend the making of lists and balloting for the Militia of the United kingdom; and

to reduce the permanent staff." The right hon. gentleman referred to the speech of his majesty at the close of the last session, which promised an enquiry into the public establishments, with a view to such practicable reductions as were compatible with the security of the public service. Owing to this recommendation, the militia had been a subject of consideration by his majesty's government, and it did appear to them, that some reduction of that force was practicable, without injury to the country, and with a very considerable saving. The object of the bill he now proposed to bring in was twofold; first, to enable the Crown to suspend for a limited period the preparation of lists and balloting for the militia; and, secondly, to authorize a certain reduction of the staff of that force. He proposed a suspension of the ballot, with a view to avoid an unnecessary, and, at the same time, an expensive process, and of giving time to his majesty's government to consider by what mode that constitutional force could, in future, be adequately supplied. At present, no one could look to the system of balloting and not perceive that the country was subjected to an expense, for an object not available for any useful purpose. He would take, as an example, one single county. In the county of Stafford, the establishment of the militia force was one thousand one hundred and thirty men. The law required, that all vacancies occurring in each year should be filled up by a ballot; and every parish in the county was consequently called upon to make out lists, and pass through the form of a ballot, in order to supply the annual vacancies. During the last year, the number of vacancies in the Staffordshire militia was twenty-one; and, to supply these vacancies, the form of a ballot was absolutely necessary. The expense attending the ballot for these twenty-one men amounted to £500, of which £300 was the share of the public, and £200 fell upon the county. Besides this, it was necessary for parties who claimed an exemption to appear personally and appeal. The number of appellants last year was from three hundred to five hundred: and this to supply a vacancy of twenty-one men! Taking the average number of persons annually required to urge their claims to exemption, the grievance must be severe. Most of them were probably labourers in agriculture: there was then their loss of time; and, if sickness were the ground of exemption, a medical certificate was necessary. Thus there was an expense of £25 per man incurred, although no active service was required of them; at the same time that we were raising able men for the regiments of the line, at the rate of three guineas per man. Without entering further into details, he trusted he had stated enough to satisfy the House of the expediency of suspending the ballot, with a view of ascertaining what measures could be taken to give efficiency to this force at less expense. He proposed merely to suspend the ballot till next sessions; and, if circumstances required it, to give power to the Crown to direct, by order in council, the making out lists in order to meet any emergency which might occur. This alteration would effect a saving of £24,000.—The other object of the bill was to effect a saving in the staff, by a reduction of certain officers, which would restore the militia to its original constitution. The paymaster was an addition to the original constitution of the militia; and he saw no reason why, in time of peace, the adjutant could not perform that duty, with the aid of a pay-clerk. The total permanent saving, by this reduction of the staff, would be full £65,000 a-year. In the present year, as the salaries would be paid up to June, the saving on the militia staff would be £40,000 only; but then there would be £24,000 saved by suspending the ballot, which would make the saving this year £64,000.

Leave was given to bring in the bill.

## ROMAN CATHOLIC RELIEF BILL.—ADJOURNED DEBATE.

MARCH 18, 1829.

In the adjourned debate, on the motion for the second reading of this bill,—

MR. SECRETARY PEEL rose to reply, and as he rose the cheers of the supporters of the measure were so mixed with those of the opposite side, that it was some moments before he could proceed. He began by observing, that about three-fourths of the speech which had just been delivered by the Attorney-general, ostensibly on

the principle of the bill—about three-fourths of the defence of the sacred cause of the Protestant constitution—had rested on personal observations. That defence had been made to rest on personal imputations. He would say, that it partook much more of rancorous personal hostility than of ardent attachment to the Protestant constitution. What were the personal charges and imputations—and what did they prove? Why, that if this bill had been introduced from personal interests, it showed the height of folly and absurdity in those who introduced it. But was this so? Was it not rather introduced, at the sacrifice of party, and he would say of personal connexions? These were sacrificed to promote the removal of the disabilities under which the Roman Catholics laboured. But what had dictated this sacrifice? What was the cause of this alleged dereliction of principle, of consistency—of this disregard of party feelings and strong opinions?—a sense of duty, which would relinquish all to accomplish measures which were considered indispensable to the safety of the country. That aspersions should have been made on those who took this course was not a surprise to him; but, though the last to declare his sentiments, yet the foremost in casting such aspersions was the hon. and learned gentleman who had just addressed the House; and he owned, that it was with no little surprise that he had heard a person in the hon. and learned gentleman's situation disclosing matters which could have been communicated to him only in official confidence. The time was not yet arrived when he should be at liberty to state all the difficulties with which his noble friend at the head of the government had had to struggle, with respect to the measures which had been introduced, or when justice could be fairly done to him and to those who acted with him. Of his noble friend he might say on this occasion what was said of Agricola—" *naturam prudentiam quamvis inter togatos, facile iusteque agebat*" [cheers]. But the time would arrive when this justice would be done, and when he could satisfactorily explain why only a seven days' notice had been given of the measures which had been recommended in the Speech from the throne. With respect to himself, as connected with the measures before the House, he had hoped at one time that he should have been able to have given his support, his entire and cordial support, to the intentions of his noble friend, in the capacity of a private individual. He was ready to pay the full penalty of what the hon. and learned gentleman had been pleased to call his apostasy, by relinquishing office and returning his trust to his constituents; but, though he was ready to pay that penalty, let no man say that he was bound to adhere to any party, or to give his advice, in opposition to what he thought to be necessary for the welfare of the country. He would tell the hon. and learned gentleman when it was he had determined to commit his fortune with that of his noble friend on this important question, and to abide by the result, be it what it might. It was at a moment when the difficulties of the question seemed to increase—on the day when the highest authorities in the church declared, that they could not give their support to the proposed measure. From that hour, happen what might, he was determined not to abandon his post, but to give to his noble friend all the support he could as a public man, and to share with him, as a minister, all the responsibility [loud cheers]. But these were circumstances into which he could not now enter fully, and even the mention of them had been forced from him by the, he must say, extraordinary conduct of one whom he considered a confidential friend [cheers]. He saw that hon. and learned gentleman seven days before the communication in the Speech from the Throne. His duty as a minister of the Crown did not permit him to disclose what was passing in the cabinet to any man, until the mind of the cabinet was made up, and the first man to whom he had made the communication was the hon. and learned gentleman. He felt called on to do this from his confidence in the hon. and learned gentleman, as his friend, and from respect to his official station. He told him that the Catholic Association had assumed a form which made it necessary that it should be put down, but that he also considered it but right and candid to tell him, that that was not the only measure which was then in the contemplation of his Majesty's government—that they considered, that the measure for suppressing the Association would not be sufficient, if they did not advise his Majesty to recommend to parliament to take the whole state of Ireland into consideration. He told him of the whole measure of relief intended to be proposed for the removal of Catholic disabilities, and of the measure which was to accompany it with respect



to the forty-shilling freeholders of Ireland; and for a man, who had that evening expressed such horror at what he now seemed to consider so atrocious a proceeding, he had never seen any one who kept such complete control over his countenance as the hon. and learned gentleman did on that occasion [cheers and laughter]. As his friend, he might have expected that the hon. and learned gentleman would have told him of the great difficulties which lay in his way in the Coronation Oath. It would not have been unreasonable to expect, that he should have told him of the dangers to which the constitution and the Protestant establishments would have been exposed—of the total ruin which, in his opinion—(as he had since expressed himself to the House)—must come upon them, if these measures were pressed; and that he, as the king's attorney-general, could not lend his assistance to forward them; yet the hon. and learned gentleman would do him the justice to admit, that not one word of the kind had escaped him on that occasion. But, when a measure for the suppression of the Catholic Association was introduced, the hon. and learned gentleman gave it his support, though it was avowed at the time, and the hon. and learned gentleman was well aware of the fact, that the measures founded upon the recommendation from the throne were not intended to be confined to that Act. Was it, he would ask, quite fair to give such support to a measure which was passed on the implied condition that it was to be followed by another, which was intended to settle the Catholic Question? Was it fair that he should support one, an understood condition in the passing of which was, that it was to be followed by another to which he felt such insuperable objections?

In reference to those personal charges which the hon. and learned gentleman had made, he was surprised that the hon. and learned gentleman should, in making them on his noble friend Lord Lyndhurst, who was not there to answer them, diverge from a subject which he himself admitted was of such paramount and overwhelming importance. His noble friend, when master of the Rolls, had not, as the hon. and learned gentleman had represented, declared himself a decided enemy to all concession. His noble friend, on the occasion alluded to, was asked, what he would do with Ireland? and he remembered the remark made at the time by the hon. and learned member for Winchelsea, that his noble friend had escaped from the answer to that question, with a degree of agility scarcely befitting the dignity of his official office. But the fact was, his noble friend had answered it. He had stated, that he was not a member of his Majesty's government, and that he did not feel bound to declare what he would do with respect to that country. But, what was his situation now? He was now a member of the government—he was responsible for the advice he gave—and he was bound to give the advice which he thought best for the interest of the country. His noble friend had said at that time, that if securities should be proposed which the Catholics would concede, and with which the Protestants would be satisfied, he for one, would agree to the concession sought for. Then it was clear, that he did not think at the time that there was in the constitution an insuperable bar to a measure which would grant the relief for which the Roman Catholics sought; and if at a future time any pressing necessities should force the measure on the attention of government, there was nothing dishonourable, no dereliction, no apostasy in agreeing to those concessions.

The hon. and learned gentleman had next stated, that there was one part of the question to which he was determined not to advert—and what was that? Why, the state of Ireland. That was the very trifling and unimportant point of the case on which the hon. and learned gentleman would not touch [hear, hear]. Why, the hon. and learned gentleman must know as well as any man one circumstance connected with that point—that the common law of the land was not found sufficient to put down the Catholic Association. By whom was the bill of 1825 framed—who was consulted upon it—but the hon. and learned gentleman? Had he since attended to its effects; or if he found the Association still in operation, had he ever referred to that act, and sought that its enactments should be enforced? When he heard the discussions about the inefficacy of the common-law to meet the state of Ireland, did he say—"There is my bill of 1825; let its provisions be put in force?" He apprehended the hon. and learned gentleman, and those who agreed with him, would admit, that when that act of 1825 had expired, the common-law was not found sufficient to afford a remedy for the evils which existed in the formation of the Catholic

Association, or that any of them would have been willing to risk the consequences of leaving that body to be put down by the operation of the common law alone; and yet with this conviction, the hon. and learned gentleman would not look to the state of Ireland,—as forming any important point in the consideration of this question. It was very well for the hon. and learned gentleman, and for the hon. member for Kent to say, that that was a consideration of government. Really, it was rather hard that the proposing a remedy for Ireland should be left to the government, and when that measure was proposed, which in the opinion of the responsible advisers of the Crown, would be the only effectual remedy, those who proposed it should be at once met with the charge of apostasy. It was hard that ministers, who thought that something must be done—who were willing to propose that something on their responsibility, should be turned round upon and stigmatised as apostates—by those who, however they admitted the necessity of having something done, would themselves not propose any thing.

They might argue this question for ten nights in succession, and endeavour to blink the real question as much as possible, but still that question would recur—“What was to be done with Ireland?”—not, he would say, merely for the Catholic population of that country, but what for the Protestant interests, and the safety of its Protestant Establishments? They had in that country seven millions of inhabitants, two of them Protestants of different denominations, and five of them Catholics. Were those facts which he was about to state or were they not? There were among those millions, a large portion of one class of them, opposed, politically opposed, to a portion equally large, not of the others, but of the same class, and against the whole of the other class which constituted the great majority of the population. This population, he meant the five millions of Catholics, had increased, greatly increased within the last thirty years, in number, in wealth, and in intelligence; but these were matters which it appeared were not worth the consideration of the hon. and learned gentleman. Upon this point, he would enter into no contest; though he admitted that his noble friend (Lord Palmerston), who had so ably alluded to that subject, had made a very eloquent speech. He envied not the noble lord his victory, when the hon. and learned gentleman rested it upon the statement, that his noble friend had made a better speech than himself (Mr. Peel). He had heard his noble friend's able address with sincere pleasure—a pleasure which he could assure the hon. and learned gentleman was not in any degree diminished by the disadvantageous contrast that he had made. But, to revert to the seven millions, the population of Ireland—there were five millions of Catholics, who had within a few years, greatly increased in wealth and intelligence. They were all united in their claim on the legislature of the country, for an equal participation with their fellow subjects of the rights and privileges belonging to British subjects. How was their demand to be met? By a united Protestant people? No; but by a Protestant population, more than equally divided on the same question—for it was not too much to say, that the larger portion of the landed and commercial wealth, and of the intelligence of Ireland, were in favour of concession. What, then, he would ask, would be the feeling of the hon. and learned gentleman, supposing he could succeed in defeating the measure now before the House—he meant in a fair and manly manner, and not by sly and dark insinuation [hear, hear]? But, supposing he could defeat it, and were to undertake the government of the country with some of those who agreed with him in opinion—would he rely on the Protestant population of Ireland for the support of their administration? He would contend, that the Protestant population, he meant the majority of them, in point of property and influence, seeing now a prospect of the settlement of the question, would be as much, or perhaps more, disappointed and irritated than even the Catholics themselves; and they would, no doubt, not be indisposed to renew the attempts at agitation through the country. But, he had made the supposition of the success of the hon. and learned gentleman and his friends only for the sake of argument. The government, which proposed the measures now before the House, would not fail. They would go on steadily and perseveringly, in the course they had pointed out, regardless of future consequences to themselves, and undeterred by the taunts or insinuations which might be thrown out by the hon. and learned gentleman, or those who concurred with him, until they had secured the safe, final, and satisfactory settlement of the question.

The right hon. gentleman again adverted to the great and increasing numbers of the Catholics—to their increasing wealth and intelligence—and observed, that they were now a compact and united phalanx, while the Protestants were disunited. He called on the House to read the history of the election for the county of Clare—to consider that it proved the Catholics to possess a power which they knew how, and were determined, to use; and though that power might be noxious to themselves, it would not be the less injurious to Protestants—a power which, though they knew its value, they would willingly give up for an equal admission with their Protestant fellow-subjects to the privileges of the constitution. The right hon. gentleman next dwelt on the intense, but sober enthusiasm, evinced by the people of Clare—the perfect discipline they had shown—their abstinence from indulgences to which they were accustomed—their forbearance from every kind of excess, and their perfect and complete organization—and contended, that the contemplation of such a union was awful, and could not be overlooked by any statesman. He ridiculed the notion of putting down that spirit by the sword, for the people did not afford that chance to those who might be disposed to avail themselves of it. They contended not with such weapons, but with those which the law had placed in their hands by the privileges already granted to them. The question again recurred—what was to be done? Was the elective franchise to remain as it was; or was it to be removed without any attempt to remove the causes of discontent?

The right hon. gentleman next referred to an authority which he believed would not be denied—that of an intelligent Protestant clergyman, who had much experience of Ireland—to show that the Protestant religion had not gained in numbers by the penal code; but that, on the contrary, that of the Catholics was gaining; and if those penal laws were continued, would obtain the ascendancy. The clergyman to whom he alluded, in a speech which he had made at a public meeting, said—“I have had charge of one parish in the county of Wexford, where there were twenty Protestant families, but not being able to get on here, they emigrated to America, and yet gentlemen will ask where are the Protestants to be found! In another parish in the county of Wicklow, fifteen Protestant families were obliged to emigrate, and yet gentlemen will ask where are the Protestants! In another parish I had also charge of a number of Protestant families, of whom many have been compelled to leave the place, and many to emigrate. I am also acquainted with another part of the country, from which thirty-six Protestant families removed. Now, taking each family to consist of five persons and a half on an average, this will show that two hundred Protestant families have been removed in this manner from one part of the country alone. These are examples of what is occurring in various parts of the kingdom—these are scenes—‘*Quæque ipse miserrima vidi*,’ and therefore it is not surprising, that I cannot acquiesce in what has been said on the other side. Let me, gentlemen, now come nearer home. Have not three ships sailed from this port of Sligo within the last three months, filled with Protestant emigrants from Ireland? I say, Sir, that from the documents which have come to my knowledge, it appears that upwards of twenty-five thousand Protestants emigrated in the course of last year from Ireland!” Such was the statement of the rev. gentleman. He would ask, then, was it expedient for the maintenance of the Protestant interest, and of the Protestant ascendancy, that this state of things should continue? Under the excitement which existed at present, the Roman Catholic aristocracy, the Roman Catholic laity, and the Roman Catholic clergy were banded together; and the power of that compact body was too strong for isolated families of Protestants to resist. They therefore preferred going in crowds to America, to living in the midst of so great and so violent excitement. He knew it was said, that matters would grow worse, but he hardly knew how they could be worse than they were stated to be in the details which he had just read to them. There were no means at present of shaking the compact body which the Roman Catholics formed; they were inaccessible to the influence of the Crown; they were supported by a large majority in the House of Commons; and though he might wish, if it were practicable, to maintain the constitution in the state in which it existed in 1688, still, under existing circumstances, he thought it better to incorporate the Roman Catholics into the constitution, than to continue to exclude them from it by enactments which only added to their strength and increased their power.

The hon. baronet, the member for Kent, in the speech which he had last night addressed to him, and to him exclusively, had allowed the sacred cause which he professed to have so much at heart to rest entirely on the part which he had taken in the debates of the House in the years 1826 and 1827; and apparently for no other purpose than that of exciting an unfavourable prejudice against him—had said, “You are guilty of gross misrepresentation and gross injustice. Formerly you stated that this was a religious question—now you deny it; and so we have you saying one thing now, and another thing then, and, after all, not concurring at this moment in the character which the hon. and learned member for Winchelsea gave of this question.” Now he would say once for all, that he fully agreed in the sentiment expressed by the hon. and learned member for Winchelsea with respect to this question not being a religious one. But when he said this, he would ask, whether the hon. baronet supposed that he meant that this question had no regard to the religious establishments of the country, nor to the preference of the Protestant over the Roman Catholic religion? What he meant to say was this—that the present question was not a question of conscience—that there was no precept of the Protestant religion which forbade them from considering this great and important question. He had been referring to the argument, in which it was stated, that the House was not at liberty to discuss this question, because, forsooth, we were forming an alliance with idolatry by discussing it. Now, that position he positively denied. He found it stated in the paper to which he had referred, and which was drawn up by a very ingenious gentleman of the name of Faber, that as we were obliged to make the declaration against transubstantiation on taking our seats, we were forming a Union with idolatry in seeking to repeal it. It was in allusion to that paper, that he had claimed for statesmen that liberty of judgment which certain ecclesiastics now seemed inclined to monopolise to themselves: it was in allusion to that paper that he had said, that the present was not a religious question.—The hon. baronet had then said, “the Roman Catholics are excluded from the constitution on account of their religion.” He denied it. They were never excluded on account of their religion—they were excluded for a supposed deficiency of civil worth; and the religious test was applied to them, not to detect the worship of saints or any other tenet of the religion, but as a test to discover whether they were Roman Catholics. It was a test to discover the bad intriguing subject, not the religionist; and, therefore, when he parted with the declaration against transubstantiation, it was not from any doubt which he entertained as to the doctrines of the Roman Catholics, but from looking at it as a test of exclusion, and from thinking that when the exclusion was deemed unnecessary, the test of exclusion might be dispensed with.

There is another point in the hon. baronet's speech (continued Mr. Peel), which I wish to notice. After a week of concocted sarcasms, which the hon. baronet last night poured out upon me, what was my surprise when I heard him, in a sort of parenthesis to his speech, declare, “I am ready to go further, much further, than those who usually vote with me; and I who call you an apostate, and who taunt you with betraying and destroying the confidence of the public in public men—I, even I, am ready to give to the Roman Catholics every thing they ask, save seats in parliament and offices in the privy council.” Now, will the hon. baronet allow me to ask him when his conversion to these liberal opinions took place? How was it effected? On what grounds does it rest? How is it that he, who has all along been resisting me, not on the propriety of admitting Roman Catholics to seats in parliament, but on the propriety of considering this question at all—how is it, I say, that he, who talks to me of apostacy and breach of confidence, has ventured, like me, to change his opinion? [hear, hear, and a laugh]. The hon. baronet could not surely have resisted the motion for the consideration of this question; for he was now ready to give to the Roman Catholics every thing but seats in parliament, and the forty offices which belong to the privy council. Yes; the hon. baronet declares himself ready to give to the Roman Catholics all the offices in Ireland save three—for that is not more than the number of offices there which are necessarily connected with the privy council. Every executive office in Ireland the hon. baronet will bestow on the Roman Catholics. What, then, becomes of the question of religionists there? What becomes of the solemn quotation, which he made with upraised hands to the House, “*Nusquam tuta fides?*” [hear, hear]. What becomes of his exclama-

tions about confidence never again to be restored to public men? If the hon. baronet is ready to admit the consideration of this question, and to give every thing but seats in the privy council and in parliament to the Roman Catholics—if he is ready to admit Roman Catholics to be competent to fill every executive office in Ireland, to sit on the judicial bench, and to hold every situation connected with the administration of justice in that country—if he is ready to make a Roman Catholic solicitor-general, or, if need be, attorney-general [hear, and a laugh]—for it is not necessary that an attorney-general should be a privy councillor, and at this moment the solicitor-general is not a privy councillor—will he tell me, when he comes to defend his nice distinctions—will he tell me, I say, why he will let Roman Catholics fill these offices in Ireland, and yet exclude them from seats in parliament? What, then, becomes of the hon. baronet's argument about the intimidation produced by factious demagogues on government? Why, if he fears so much, should he yield any thing? "But then," says the hon. member for Newark, "this is the most unfit time of all others to consider this question;" and why?—because, forsooth, it is the latest [a laugh]—an objection which, if it be worth any thing, will continue to acquire accumulated energy every time the question comes before parliament. If we do not settle it now, every year, according to the doctrine of the hon. member for Newark, will furnish us with new and accumulated obstacles.

But to return to the hon. baronet. If he will admit Roman Catholics to every office but those which he has stated, will he tell me why, when he is ready to go so far, I may not be permitted to go a little further? and if I think my plan better calculated to promote Protestant interests than his, why I may not be permitted to adopt it? Surely, if he is at liberty to change his opinions, I may be at liberty to change mine too. "But" says the hon. Baronet, "the constitution of 1688 forbids." I say, that if the constitution of 1688 prevents me from proceeding in my mode of settling the question, it equally prevents him; for the exclusion from office is sealed by exactly the same bonds as the exclusion from parliament. In the Bill of Rights it is expressly stated, that the new Oath of Supremacy, and the new Oath of Allegiance, shall be administered to every officer under the Crown, to whom the former Oath of Supremacy was applied on his admission into office: and here let me observe, that when, upon a former occasion, I used the phrase of "breaking in upon the constitution," of which such unfair and such unjust application has been made, I meant, that we should only have occasion to alter the words of that bill. What! have we never altered them before? If the alteration of them be a breaking in upon the constitution, we broke in upon it some years ago, when we admitted Roman Catholics to have commands in the army and the navy. On other occasions, too, we have repealed the arrangements of the year 1688. Lord Liverpool, I say, broke in upon the constitution—nay more Lord Eldon himself broke in upon the constitution, when he admitted Roman Catholics to hold offices in the collection of the revenue; for the Bill of Rights required, that every officer who received the king's wages should, on his admission to office, make the declaration against transubstantiation.

The right hon. gentleman then proceeded to state, that he for one should most strenuously object to the hon. baronet's proposal for settling the Catholic question; for he was convinced, that if they considered that question at all, they must come to this conclusion—that no other alternative was left them but a final and conciliatory adjustment of it. There was no use in giving the Roman Catholics fresh powers, unless you gave them powers to the extent of their demand. The powers which you gave in that manner would soon be made available by them in the demand for more. He had therefore consented to give them a full and fair participation in the advantages of the constitution, and his proposition now rested, as he had stated on a former evening, on the integrity of the Protestant church and the Protestant institutions of the country, and on the perfect equality of Protestants and Roman Catholics, as far as regarded every civil privilege [hear, hear]. He repeated, that it was his conviction, that if you once broke in upon the exclusive system in Ireland, as was done in 1793, there was no intermediate system, at which they could stop, but you must go on and establish a perfect equality of civil rights. One hon. gentleman who had taken a share in the debate, had said, "if there is one thing which I detest, it is yielding to considerations of expediency either in morals or in politics." Now, as to

the impropriety of yielding to considerations of expediency, in regard to moral obligations, he would say, that he fully concurred with the hon. member; but if the hon. member meant to class political emergencies with moral obligations, and to exclude the consideration of expediency from the management of public affairs, all that he would say was this—that he hoped the hon. gentleman, and those who thought with him, might never have any influence in the direction of the affairs of this country. How can public affairs, he asked, be conducted, except upon the principle of expediency? To class political emergencies with moral obligations, and to exclude all considerations of expediency from the administration of a great country, is an absurdity which he was not prepared to expect from a gentleman who had shown so much tact and discernment on other topics.

He felt that he had been provoked by personal allusions to enter too much upon a subject which he ought to have considered as already exhausted; but there was one observation which he must make, upon a charge which had often been brought against the government, namely, that it had taken the country by surprise on this question. Now, that surprise was inevitable upon this question. The government was formed on the principle, that the Catholic question should be an open question. What advantage, therefore, could it have derived from saying to the country, "We now think of settling the Catholic question?" The government had never had any objection as to settling the question; their only difficulty was as to the terms. Every member had voted on the first night of the session in favour of the address, which spoke in express words of the necessity of settling the question, but every member reserved to himself the right of judging of the plan which government might propose for its adjustment. Therefore, if government had told the country, "we think of settling the Catholic question," it would have told the country nothing, unless it had also stated the plan on which it was to be settled. If we had given notice beforehand, that we intended, previously to the settlement of it, to suppress the Catholic Association, and to accompany the bill of relief with a bill for disfranchising the 40s. freeholders, should we not have made declarations which of themselves would have precluded all conciliatory settlement? Men would have been provoked into declarations, from which they would have afterwards felt that they could not recede, and preliminary obstacles would have been raised to our proceeding, which it would have been almost impossible to overcome. Such a course of proceeding as the gentlemen opposite recommended to government might have been an ingenious plan to defeat the settlement of the question, if we had not had it sincerely at heart, as we always had; but it would have invited discussions in Ireland, which would have created an irritation so universal, as to render it impossible to approach the subject with the slightest prospect of success.

Another hon. member had said, that the government had no right to propose the settlement of this question in the present parliament—that this parliament was not competent to decide it—and that there must be a fresh appeal to the sense of the people. This doctrine the hon. member rested upon two arguments. The first was, that we had all taken the Declaration against Transubstantiation, and that we were therefore incompetent to alter it. If this be so, how, he would ask, was that Declaration ever to be altered? Now, if parliament were not competent to alter the Oath of Supremacy, or the Declaration against Transubstantiation, how did it happen that at the time of making the Union with Scotland, and at the time of making the Union with Ireland, a party both in Scotland and in Ireland, with a view of defeating the Union, had proposed, that the Oath of Supremacy and the Declaration against Transubstantiation should be made fundamental branches of both acts of Union? That was, however, refused in each act of Union; and if hon. gentlemen would take the trouble to refer to the words of those acts, they would find, that in each of them a provision was made that the Oath of Supremacy and the Declaration against Transubstantiation should be taken by members of parliament on taking their seats, until parliament shall otherwise provide. So far, then, were the parliaments of former days from considering those oaths as permanent parts of the acts of Union, that they absolutely contemplated the necessity of altering them.

As to the appeal to the country, let him ask hon. members to consider whether it would be wise to set such a precedent as to declare their own incompetency to legislate upon any question which the Crown might think proper to submit to their

consideration? Would they so far stultify themselves as to begin to consider what questions they were competent to debate? Supposing they were to make such an appeal to the country, how many questions did they think would arise hereafter, in which it would be said to them—"There is a precedent set you by the parliament of 1829, which dissolved itself, because it felt itself incompetent to act, do you follow its example?"—I deny, Sir, continued Mr. Peel, the necessity for making such a precedent. No; we will not stultify ourselves so much as to say that we are not supreme as to every measure of legislation which may come before us. But then we are told that this is a religious question, and that it has to be discussed as such. When I hear hon. gentlemen rising up in their places and solemnly declaring, that it is an offence against God to attempt the settlement of this question in a conciliatory manner, I feel that they have armed me with a conclusive argument for not making any appeal at present to the people. Would you agitate England and Ireland from one end to the other on so tender and delicate a subject? You might, indeed, by resorting to such a course, obstruct for a time the settlement of the question, but it would be at the expense of the reverence due to religion itself. If the question be rested, as I think it ought to be rested, on the grounds of public expediency, let us assert our own powers to make the adjustment of it effectual. I believe that it may be safely and permanently adjusted on the grounds which I have stated. I believe that it may be so adjusted as to give security to the Protestant establishment and to the Protestant interests in Ireland; and it is because I believe so that I am content to abandon the course which I have hitherto pursued, and to give the relief to the Roman Catholics which they have so long prayed for. I entreat hon. gentlemen who differ from me in opinion, to consider the altered position of affairs in Ireland, since the announcement of these measures of grace and favour has been made. To be defeated now—to throw the question back upon us—when a greater calm has been produced in Ireland than I ever knew to exist there—when there is no spirit of vulgar triumph displayed on the part of the Roman Catholics—and, in justice to the Protestants I must say it, when their disappointment has been marked by the most patient submission—to lose the advantage which we have now gained, and to reject the conciliation which is within our grasp, would be attended with consequences so fatal to the repose of the empire, that I cannot even in fancy bear to contemplate them.

One parting word, and I have done. I have received, in the speech of my noble friend, the member for Donegal, testimonies of approbation which are grateful to my soul; and they have been liberally awarded to me by gentlemen on the other side of the House in a manner which does honour to the forbearance of party among us. They have, however, one and all awarded to me a credit which I do not deserve for settling this question. The credit belongs to others, and not to me. It belongs to Mr. Fox,—to Mr. Grattan,—to Mr. Plunkett,—to the gentlemen opposite,—and to an illustrious and right hon. friend of mine, who is now no more [cheers]. By their efforts, in spite of my opposition, it has proved victorious. I will not conceal from the House that, in the course of this debate, allusions have been made to the memory of my right hon. friend, now no more (Mr. Canning), which have been most painful to my feelings. An hon. baronet has spoken of the cruel manner in which my right hon. friend was hunted down. Whether the hon. baronet were one of those who hunted him down, I know not; but this I do know, that whoever did join in the inhuman cry which was raised against him, I was not one. I was on terms of the most friendly intimacy with my right hon. friend down even to the day of his death; and I say with as much sincerity of heart as man can speak, that I wish he were now alive to reap the harvest which he sowed, and to enjoy the triumph which his exertions gained. I would say of him, as he said of the late Mr. Perceval—"Would he were here to enjoy the fruits of his victory!"—

*"Tuque tuis armis: nos te poteretur, Achille."*

I am well aware that the fate of this measure cannot now be altered: if it succeed, the credit will belong to others; if it fail, the responsibility will devolve upon me, and upon those with whom I have acted. These chances, with the loss of private friendship and the alienation of public confidence, I must have foreseen and calculated upon before I ventured to recommend these measures. I assure the House,

that in conducting them I have met with the severest blow which it has ever been my lot to experience; but I am convinced that the time will come—though I may not live to see it—when full justice will be done, by men of all parties, to the motives on which I have acted,—when this question will be fully settled, and when others will see that I had no other alternative than to act as I have acted—they will then admit, that the course which I have followed, and which I am still prepared to follow, whatever imputation it may expose me to, is the only course, which is necessary for the diminution of the undue, illegitimate, and dangerous power of the Roman Catholics, and for the maintenance and permanent security of the Protestant interests.”

The Attorney-general said, that the right hon. Secretary, in the early part of his speech, had charged him with having betrayed the confidential communications of the cabinet. I say (continued the learned gentleman), it is not true. I believe that no one out of the cabinet knew of their intention to propose these measures seven days before the meeting of parliament. I have not disclosed any part of what the right hon. gentleman stated to me. I flatly, positively, and directly deny the assertion.

Mr. Peel.—Every gentleman will at once perceive, that it may be extremely inconvenient for an officer of the government to take upon himself to state the precise moment at which a communication was officially made.

The House divided: For the second reading, 363; Against it, 173; Majority, 190.

## IRISH QUALIFICATIONS OF FREEHOLDERS' BILL.

MARCH 19, 1829.

In the debate on the order of the day for the second reading of this bill,—

MR. SECRETARY PEEL commenced by expressing his cordial concurrence in the observation of a right hon. friend, that though, as a general principle, each measure submitted to parliament should be considered on its own merits alone, yet there were some questions which could not be disposed of otherwise than with reference to the principle of mutual compromise. Different members might entertain different opinions with respect to every clause in a bill; and if each were to persist in establishing his opinion, there would be an end of all legislation. In nine cases out of ten, all practical advantages would be lost by a too rigid adherence to form. What was the course which the House pursued with respect to the bill for repealing the Sacramental Test? They sent it up to the House of Lords in one shape, and it was returned in another. The House wisely consented to accept the advantage of a repeal of the test, instead of insisting on having the bill in the form in which they originally sent it up to their lordships. If ever there were a measure which justified the principle of compromise, it was that to which the attention of the House was now directed. He could not sufficiently express his admiration of the magnanimous conduct of the hon. member for Waterford, who had expressed his determination, perhaps at the cost of some personal sacrifice, to bestow upon his constituents a permanent benefit. The great difficulties which had hitherto opposed the settlement of the Catholic question, rendered it incumbent on those who were favourable to that object to compromise, in order to effect their object. The noble lord who spoke last, said, that the session commenced with a compromise; which was, that the Catholic Association should be suppressed, in order to arrive at Catholic emancipation. The noble lord admitted that he was a party to that compromise; and therefore there was an end of the argument against the principle of compromise. The noble lord said, that the price of the compromise was to be unqualified concession. He denied that: the only promise held out was that of an attempt to adjust the question on safe and satisfactory grounds. In how difficult a situation was the government placed! Last night the House was told, that the conditions of the King's Speech were not observed, because unqualified emancipation was offered to the Catholics; and now, the noble lord said, that government had not kept its engagements, because they did not grant emancipation without conditions. These contradictory assertions proved how difficult a part was that of a mediator, who desired to reconcile conflicting opi-



nions, and to obtain a safe and satisfactory adjustment of the question. From two different quarters he was met by distinct objections—first, that the concessions were of too unqualified a nature; and next, that they were so qualified as to be useless. He, notwithstanding, asked the consent of those who were opposed to this measure, because he believed it to be essential to the carrying of the other, in the propriety of which they were agreed. Under these circumstances, he asked them to waive their objections to this bill, in order to secure the success of that for removing civil disqualifications from the Roman Catholics. He hoped it would not be conceived that he put the matter forward in a menacing manner. He could assure the House, that he had not brought forward the question with that view. His object was, not to find specious objections to the Catholic question, and then abandon it because the country was against him: his object, from the first, had been to carry it. He did not assume this tone, in order to menace the opponents of the present bill, who were favourable to the success of the other, with the prospect of government throwing out the latter if the former were not carried; but he candidly declared, that he considered the passing of this measure as essential to the success of that which had been connected with it. Ministers, in bringing forward that bill, had not resorted to any securities, as against the Roman Catholics. The fact was, when he proposed that measure, he never professed to place any value upon securities; and he thought it infinitely better not to introduce securities, which to the Protestants could be of no value, but which would be unnecessarily galling to the Catholics. The bill did not proceed on that principle, nor did it go upon the plan of restricting the legitimate exercise of the Roman Catholic religion. The principle was similar to that contained in the bills of Mr. Grattan, Lord Plunkett, and his late right hon. friend, Mr. Canning; and the object of the attempt was, to make the measure, as far as it could be effected, satisfactory and conciliatory to all parties. However, had the proposition been one of simple and unqualified emancipation, a well-founded argument might have been brought against its supporters, if they had omitted any notice of the elective franchise; a failure in the adjustment of which must endanger the bill. Why did they attempt to touch the elective franchise in 1825? And why did hon. members, who now professed different opinions, at that time support a measure for its modification? He would be the last person to allude to former occurrences in a reproachful manner; and he was quite ready to admit that, if hon. gentlemen had altered their opinions upon this or any other point, no doubt they thought themselves justified in what they did by a change of circumstances. But why, he asked, in arguing this question—omit any reference to the elective franchise? Why did a large majority of the house consent to the bill which his hon. friend brought in for the purpose of effecting an alteration in it?—why, but because they thought that considerable danger was likely to result from the present mode of exercising it? It might be said, that in 1825 securities were offered, and it might be demanded, why propose emancipation now without them? This was supposing that the present bill had not been introduced. It was also said, that this measure differed totally from that of 1825; and that it did, to a certain extent, could not be denied. The bill of 1825 was very skilfully drawn up; but it was a complete disfranchisement of the existing freeholders. The existing freeholders were positively disfranchised if they omitted to register their claims. It was required, before the voter attempted to exercise his privileges, that he should register his freehold; and the bill affected every freeholder who omitted to comply with that form. You never before told him that it was necessary to do so; yet the right hon. gentleman stepped in and said, “You who have not registered your freeholds shall be disfranchised; at the same time that you who have been registered by your landlord or by a liberal club, shall preserve your privilege intact.” Those who were disposed to quarrel with him for giving unqualified emancipation to the Roman Catholics without securities—what an argument this volume of Roman Catholic evidence taken in 1825—what a conclusive argument—what a powerful case it made out against them upon this point! He took the evidence of Roman Catholics of the highest respectability, who were deeply interested in the prosperity and tranquillity of the country—of persons interested, as in the case of Mr. Blake, in securing a moderate and reasonable ascendancy to the Protestant establishment. Mr. Blake was asked, whether he did not know that the priests had a great advantage over the landlords in contested elections, and

he answered, that in many cases they were enabled to take away the freeholders from the proprietors, and carry every thing as they pleased. He was also asked his opinion as to whether raising the qualification would naturally diminish the influence of the priests, and he replied, he thought it would, and that in every view of the case such a measure was essential to the peace of Ireland. Why should we disregard unsuspected testimony like this—the testimony of a Roman Catholic lawyer, of high respectability and intelligence—and his opinion, with respect to the best means of securing the peace of Ireland? Mr. Blake was asked, at what rate he would fix the qualification for voting, and he said he should propose to carry it as high as £20. After this, what would have been said if he (Mr. Peel) had not taken £10 as the qualification, but left it as he found it? What said Mr. O'Connell on the subject? He admitted, that the system of forty-shilling freeholds in Ireland was essentially different from that of England, and that freeholds held by a derivative interest afforded an immense encouragement to perjury. On being asked, did he think there would be any objection to raising the freehold qualification to £20, he said, Yes, and he thought we might avoid the evil of perjury, by raising it to £10; at least that there would not be anything like the same temptation to perjury then as now. Mr. O'Connell said, many independent voters would be disqualified, if the franchise were raised to £20,—none, if it were only raised to £10. This, he (Mr. Peel) contended, would be a serious objection to the proposed measure of emancipation, if it were to be conceded without an adequate security against the undue exercise of the Roman Catholic interest, directed by the priests. It was only fair to the parties to state, that no Roman Catholic party, or individual, had been consulted in this matter: indeed, he thought it much more becoming that the act should be the independent legislation of the government. He did not think it would have been dignified in ministers to have asked any man to accept concession on a principle of compromise. His right hon. friend said, his chief objection to the present measure was, that it laid the foundation of reform. If his right hon. friend objected to the proposition mainly on the ground of its affording a precedent for reform, it was rather singular, that the argument of his right hon. friend himself should be susceptible of a similar application. His hon. friend said, "Protect the existing franchise—make the existing franchise independent of this measure—and I shall give you my vote." Here, then, in his right hon. friend's own proposition was an argument for reform; for the prospective dealing with the elective franchise was as much an argument for reform, as a present interference with the privilege. He repeated—prospective measures of arrangement and alteration were at least as powerful arguments for future reform in England or Scotland, as could be deduced from this measure, with respect to a reform more immediate; therefore he could not admit the force of his right hon. friend's argument against this measure, as it related to reform, because the same argument, if good for any thing, was good against the admission made by his right hon. friend himself. The fact was, up to the year 1825, the forty-shilling freeholds were an instrument by means of which, and over which, the Protestant landlord maintained his ascendancy; but at that period a change was effected in the state of things—the weapon broke short in his hands—it was wielded by other and hostile powers—and there was a prospect that it could only be so wielded to the imminent danger of our Protestant institutions. We were about to give the Roman Catholic a great compensation: he was now under a stigma of exclusion and humiliation: we were about to say to him, "We will place you erect, in your free and natural position;" and, in return for a concession such as this, we were entitled to demand his ready acquiescence in a measure like the present. In acting thus, we did not take the course which his right hon. friend said: we did not call in our bad halfpence, giving nothing in return; but we called in our bad halfpence, and gave good coin in return for them. He could not consent to place the present measure on the ground of a penalty directed against the Roman Catholics. It was not an exclusive penalty; the fact was, if it were a penalty towards any, it was an equal penalty towards all. It would affect Protestant and Catholic alike. But, on the subject of penalty, if we took the case of any one Roman Catholic forty-shilling freeholder who had registered his privilege, in compliance with the directions of his landlord—of one of these marksmen, who could not write his name—if we looked at the individual loss that would be sustained, we should find that it could not be very great.

This was sufficiently clear, if we looked at the evidence of Mr. O'Connell, who said, he had seen many contests arising between the landlords and the priests—contests which he hoped never again to see—for they were productive of ruin to the object of them—the forty-shilling freeholders. He might allude to the Clare election while upon this subject. Major Warburton had narrated some of the events connected with it, and he should never forget the peculiar case of an individual whom that gentleman had seen, the circumstances of whose story he narrated, and whom he could not advert to without tears. At the commencement of the Clare election, a landlord of the county had promised what was called his interest to his right hon. friend (Mr. V. Fitzgerald); the landlord had a voter on his estate, who was under great personal obligations to him, and previous to the commencement of the contest he said to this voter: "I shall vote for Mr. Fitzgerald, I suppose you mean to do the same." The man was only astonished at the implied doubt which his landlord's mode of expression appeared to convey, and declared his determination to imitate the example of his patron at the approaching election. Well, as the struggle grew nearer, a degree of excitement was produced, to which it was only necessary to allude: the freeholder did not escape its effects—he came to his landlord with £60 in his hands, and addressed him thus:—"I have saved this sum while your tenant, and upon your property. I cannot redeem the promise which I gave you there—take the £60, make use of it to promote the interests of Mr. Fitzgerald, but my vote I must give to O'Connell." Could any thing be so painful as the situation of him who was obliged to perform such a part—to observe such a double contract between his religion and his conscience? He admitted he did not think he should have been able to have sustained the measure upon such strong grounds, except in so far as he believed it calculated when carried into effect, to raise up a real, substantial, independent yeomanry in Ireland, and to rescue the forty-shilling freeholders from the consequences of such a conflict as he had just described. These grounds should not be omitted, on a consideration of the question; but at the same time he admitted, that except we were able to promise a satisfactory adjustment of the Roman Catholic question, there was not the least chance of this measure being listened to. He never would have endeavoured to withdraw existing privileges, however they might have been abused, unless he had been able to offer a compensation, by granting the enjoyment of beneficial and legitimate, for the dangerous and illegitimate power, which he proposed to take away.

On a division, the second reading was agreed to by 223 against 17; majority, 206.

MARCH 20, 1829.

On the motion for the House to go into a Committee on this bill,—

MR. SECRETARY PEEL said, that the reason why the committee on this bill was fixed for this evening, whilst the committee on the antecedent measure stood for Monday, was, that he was desirous that this bill should be committed to-night *pro forma*, in order to fill up two or three blanks in it, so as that the whole measure should be before the House in a more complete state. Its actual committal would correspond as to time, as nearly as possible, simultaneously with the Relief bill. As far as the good faith of a government could possibly be pledged, he and his colleagues were most anxious to carry both measures, and to render them strictly dependent one upon the other.

Later in the evening Mr. Peel said, he rejoiced that he had given way to the hon. member (Mr. Tuite), for no speech could contain so conclusive an argument in favour of the measure. Here was the hon. gentleman, the member for Westmeath, returned in a manner as popular as the hon. member for Waterford, or for Clare, instructed by his constituents to acquiesce in the general measure, and told that they were prepared to make the concession required. This feeling was not confined to Westmeath. He believed that most, not of the Roman Catholic priesthood merely, but of the Roman Catholic gentry, entertained the same as to this measure, and that it was the wish of the great body of the constituents themselves. They had been told that it was wrong to take advantage of the enthusiasm which at that moment pervaded the Irish people. He did not believe that such enthusiasm did prevail; on the contrary, he thought that their determination was the result of calm and deliberate conviction. The Irish forty-shilling freeholders held the elective

franchise as invaluable, so long as it afforded them the means of seeking the other more important measure of emancipation; but now that that measure was within their reach, they were ready to sacrifice the minor privilege for its attainment. As to the feelings of the Protestants of Ireland, he thought they were in favour of the measure; and, if a doubt existed on the subject, he, arguing *a priori*, would refer to the feelings expressed in Ireland upon the subject within the last fortnight, as well by Protestants as Roman Catholics. With respect to the proposition of the noble lord, for rendering the measure prospective, he thought it had a tendency to take away the security of the measure altogether, and therefore he could not give his consent to it. In regard to the arguments of the noble lord opposite, that the bill would lessen the inclination of the £10 and £20 freeholders to register, the effect, as it appeared to him, would be precisely the contrary. At present, the £10 and £20 votes went for nothing: they were overruled by the vast majority of the forty-shilling voters; but take away the latter, and you gave the former an influential voice. In a county in Ireland, in which there were twenty thousand registered forty-shilling voters, he had been assured, by an authority competent to give an accurate account, that out of that number there had been only two registered on their own account. Therefore he contended, that the raising the qualification to £10 would increase the disposition to register.—With respect to the application of the principle of the bill to the forty-shilling freeholders of this country, he thought it would open too wide a field of discussion. Those freeholders were established in feudal times, and it might not be proper to interfere with them. At all events, whatever might be his opinion of the propriety of such a measure, it was one which should be considered on its own basis, and without reference to the measure with which the present bill was connected.—The most important observation which had been made with respect to this measure, was that which suggested the propriety of excepting from the operation of the bill forty-shilling freeholds in fee simple. Now, of this he had the strongest doubts. The law made no distinction between the vote of the freeholder in fee, and that of the freeholder of any other class. But suppose he found that the effect of such an exception would be to disfranchise most of the Catholic forty-shilling freeholders, whilst it left many Protestants untouched, would he not be exposed, and justly, to a charge of partiality? He held in his hand the register of the forty-shilling freeholders of Ireland, and looking at that Catholic county, Waterford, he found that out of two thousand one hundred and nineteen forty-shilling freeholders, not one was registered from estates in fee; and in another county, out of eight thousand one hundred and eighty-four voters, only one hundred and twenty-seven were from estates in fee; so that if it should appear, as was he believed the fact, that nine out of ten of the forty-shilling voters in fee were Protestants, he should be justly exposed to a charge of partiality if he made that kind of tenure an exception to the bill. Under these circumstances, he could not adopt the suggestion, but, in that respect, would leave the bill as it was.—It might be proper for him now to state what was the course he intended to pursue in the committee. He intended to commit the bill *pro formâ*, and then to add the amendments, technical and otherwise, which he proposed. Those amendments were of a nature rather to extend than to limit the exercise of the elective franchise. At present, the right of voting from freeholds was limited to those who had “a legal title.”—thus excluding those who might be equally possessed of the right by an equitable title,—he would therefore omit the words “legal title.” As the bill now stood, it was said that the freehold should be “free from all incumbrances.” Now this, in Ireland, where judgment-debts affected real property, might tend to make inconvenient disclosures; he purposed, therefore, to omit those words “free from all incumbrances,” and to let the bill stand, “a freehold clear of parochial and other assessments.” Another alteration he intended was, to allow an appeal where the value of the freehold was disputed, and where the case was decided by the assistant-barrister—not to the same barrister and a jury, but to a jury presided over by a judge of assize. These were the principal alterations, which, with some of a technical nature, he proposed to have inserted in the bill.

The House divided: for the instruction, 20; against it, 220. Majority 200. The House then went into the committee.

## ROMAN CATHOLIC RELIEF BILL.

MARCH 23, 1829.

In a committee of the whole House on this bill, on the clause declaring the eligibility of Roman Catholics to civil offices, and to seats in parliament, being read,—

Mr. Bankes said, he rose for the purpose of proposing as an amendment to the preamble, that after the word "subscribed" the words "as a qualification for sitting and voting in parliament, and for the exercise or enjoyment of any office, franchise, or civil right," should be left out.

Mr. Moore seconded the amendment.

MR. SECRETARY PEEL commenced by expressing his admiration of the good temper and moderation with which the two hon. gentlemen had advanced the arguments adduced in support of the course which they recommended for the adoption of the House. The force of those arguments would lose none of their power, from the moderation with which they were urged. The main point contended for in the speeches of both speakers was, that some danger was to be apprehended from the admission of Roman Catholics to seats in that House. Now, he admitted, and always had admitted, that some danger was to be apprehended. He was still of that opinion; but the question was, whether on a comparison of dangers, greater danger were not to be dreaded from excluding Roman Catholics from that House, than from admitting them to it? Would it not be a greater source of danger, that this leading and essential part of the measure of relief should be withheld, if Roman Catholics were to be admitted to an equality of civil privileges in other respects, than that seats in parliament should be conceded to them? If all other civil disabilities were removed, and the disqualification to sit in parliament were only retained, the measure of relief would, in the first instance, be ineffectual to give content to those for whose benefit the measure was intended; and, secondly, the privileges which they would obtain would only render them more anxious, and invest them with increased means and additional power, for the attainment of the object from which they were debarred. The hon. member for Dorsetshire had placed the argument on precisely the same basis—namely, that there was such a union between the clergy and laity of the Catholic body, and that the laity were so devoted to the views and purposes of the clergy, that, when admitted to that House, they would endeavour to give effect to the ulterior objects of the clergy. Now, this union in Ireland, he believed to exist, in consequence of the disqualification and exclusion under which the laity and clergy suffered. They were bound together by a community of common grievances; and when that bond, cemented by disqualifying laws, should be dissolved, there was every reason to expect, from the state of society in other countries, that the same alliance would not subsist. Looking to France and the Netherlands, where an equality of civil rights prevailed, they did not see that close alliance and attachment subsisting between the laity and clergy that existed in Ireland. This showed at least, that this community of interest and feeling between the laity and clergy formed no principle of the Roman Catholic religion; and it was a fair ground of expectation to presume, that the same cause—equality of civil rights—would produce a corresponding effect in Ireland, and dissolve the intimate union at present subsisting between these two classes in that country. He was at a loss to perceive how some hon. members could alone see danger in the admission of Roman Catholics to seats in that House, and could see no danger in the repeated declarations of Protestant majorities of that House, during the last sixteen years, in favour of Roman Catholics. Was there no danger to be seen in four out of five successive parliaments deciding in favour of relief—in pointing out the grievances under which Roman Catholics suffered—in creating a sympathy on their behalf—in exciting their hopes, and keeping alive the excitements which those hopes and the constant discussion of their claims created? He was at a loss to perceive how hon. gentlemen could be alive to the power which the introduction of a few Roman Catholic members into that House would confer, and insensible to the great and material power which they enjoyed (of which that House had had recent experience) by the elective franchise; which, as it was under the control of spiritual influence, that influence would be greatly diminished by the proposed regulation of the elective qualification; and he would ask hon. gentlemen

fairly to consider, whether that regulation could be effectively established, if not accompanied by the measure of concession?—He would here again refer to what had fallen from the hon. member for the University of Oxford, that twenty-three counties in Ireland were ready to imitate the example of the county of Clare. Now, if such were the state of society and of feeling throughout Ireland, what advantage could be expected from Ireland, if a general election were to take place, by those who were opposed to the measure of concession? Besides, hon. gentlemen who had such an anxiety for the preservation of the interests of the church, should consider that it was not necessary that members returned to parliament should be in communion with the Church of England. All that was necessary was, that the member returned to parliament should abjure the tenets of the Church of Rome. This was all that was required; and, provided they abjured those tenets, there might be sent to that House as bitter enemies to the Church of England as any Catholics could be. He saw greater danger in this state of things than in the proposed change; for, after all, he admitted, that it was a compromise of dangers, and the adoption of that course which was less dangerous than a perseverance in the present system.—After re-asserting, that the change in the elective qualification could not be made without the measure of relief, and that the Roman Catholics would be less objects of apprehension when their grievances were removed, the right hon. gentleman proceeded to advert to the argument of his hon. friend, the member for Dublin, as to the danger that would result from a small party of Catholics acting as a compact and united body for the attainment of objects peculiar to themselves. Without undertaking to determine what might be the effect of such a small party acting in such a way—of which, however, he did not entertain the same apprehension as his hon. friend—of this he was sure, that if any body of Roman Catholics should attempt to advance their peculiar interests, and to give them a preference over the general interests of the country, from the feelings which were now described to exist, they would be met by a resistance, which must effectually defeat such an attempt. His hon. friend had referred to the period of the French war, to show what might be effected by a small party in that House, in the way of thwarting the measures of the government. He did not think that his hon. friend had been very happy in making that reference; for if he recollected rightly, Mr. Wilberforce, in 1794, brought forward a proposal for negotiating a peace with the French Republic, but it was quite ineffectual; for the war continued from that period up to 1803. He had no doubt but this measure would tend to establish the happiness and tranquillity of the country, and he trusted that none of those dangers which some hon. members apprehended from the admission of Roman Catholics to seats in parliament, would ever arise. It was not to be forgotten, that similar predictions of danger had been made at the period of the repeal of the Sacramental Test; and he would only ask, had they been fulfilled? Similar forebodings had been uttered at the period of the Union with Scotland. It was then said, that forty-five Presbyterian members would enter that House; that they would have their own peculiar views and interests to consult and advance; that their feelings would be uniformly adverse to the interests of the Protestant institutions of the country; and that they would act together in a combined body for the promotion of their own objects. What was the result? These members had taken their places—some on the ministerial, and others on the opposition side of the House—and they had been guided in their votes upon measures affecting the interests of the Protestant church, as well as upon all other public measures, by the opinion of the party to whom they had attached themselves; and thus were all the predictions, as to the dangers to be apprehended from their introduction completely falsified. The same, he was convinced, would be the case with the Roman Catholics. The great danger to be apprehended was, not from the admission of the Roman Catholics, but from their exclusion. He would adhere to the provision which was objected to by the hon. members, as he was certain that the measure would give no satisfaction to the Roman Catholics. It was of all others calculated to satisfy the Catholics, and to promote the great object of this bill—the establishment of the tranquillity and happiness of the country.

The committee divided: For the amendment, 84; For the original clause, 207; Majority 123.

In reply to a question by Mr. Lockhart, whether it were not possible, under this clause, for Roman Catholic clergymen to sit in that House?

Mr. Peel said, he thought he could give his hon. friend complete satisfaction on the point to which he had very properly called the attention of the House. The 41st of the late king provided, that no person in holy orders should be qualified to sit or vote in that House; and he believed the general impression of the lawyers was, that that enactment was sufficient to apply to the Roman Catholic clergymen. But at the end of that act of parliament, it was directed, that a certain description of *prima facie* evidence was to be given as to the person being in holy orders; which evidence was, that the individual had officiated according to the rites of the Church of England or Scotland. Now, a doubt might exist, which he wished to remove, as to whether that provision extended to Roman Catholic priests. No person could contend that it would be just or fair that a Catholic priest should be placed in a better situation than a Protestant clergyman; and therefore he had provided, by a clause which he held in his hand, that no person having taken holy orders in the Church of Rome should be capable of being elected to sit in parliament. That, with other exceptions, would completely meet the object of his hon. friend. *Bona fide* evidence, that an individual had officiated according to the rites of the Church of Rome would be sufficient to exclude him from parliament.

In reply to a question from Mr. B. Clarke, respecting the spiritual authority of the pope,—

Mr. Peel said, he should be glad if the consideration of this point were deferred to another occasion. He should then be prepared to answer the hon. gentleman, but he did not wish to retard the measure before the House by entering on so very complicated a question.

In reply to an enquiry by Mr. Moore, as to the test on which the right hon. gentleman relied, in order to prove whether persons presenting themselves to be sworn were or were not Roman Catholics,—

Mr. Peel said, if his hon. friend would look at the clause at the top of the third page, he would find a distinct enactment to this effect—that no person professing the Roman Catholic religion shall be capable of sitting or voting in either House of parliament, without taking the oath hereinbefore stated; and that any person sitting or voting in either House of parliament, without having first taken and subscribed the said oath, shall be subject to the same penalties, forfeitures, and disabilities, as are by law enacted in the case of persons sitting and voting in either House of parliament, without taking the oaths, and making the declaration, now required by law to be taken and made. Therefore every person professing the Catholic religion would be compelled to take that oath. But his hon. friend had said, suppose the case of a man secretly holding the Roman Catholic faith, but not professing it. Now, he thought it was rather an extreme case to suppose a Roman Catholic who did not profess his religion. With respect to the words “professing the Roman Catholic religion,” he found in every act relating to the Roman Catholics, that they were described in various ways. They were denominated Papists, persons professing the Roman Catholic religion, &c.; and he thought it better, whatever designation he gave them, to adhere to it throughout the bill.

Sir R. Inglis suggested an amendment to the clause, for the purpose of more effectually excluding Catholic priests from sitting in parliament.

Mr. Peel said, he should have to propose a clause, much more efficient than the amendment of the hon. member. That clause would incapacitate persons in holy orders of the Church of Rome from being elected to parliament; and would also make the election void in any case where a person should, after his election, enter into holy orders.

Sir E. Knatchbull wished distinctly to know whether the clause for the exclusion of Catholic priests from parliament would extend to the members of religious societies.

Mr. Peel said, that in the clause to be introduced for disqualifying Roman Catholic priests from being members of that House, he intended to propose a provision to the effect, that no Roman Catholic in holy orders should be eligible to a seat in that House, and if elected, that the said election should be void.

Mr. Peel afterwards said, in explanation to Mr. H. Grattan, that the act

had a prospective, and not retrospective operation. In such a case as that alluded to by the hon. member, the act would apply only so far as it repealed the declaration against transubstantiation, and to that extent it would make the condition of the Catholic better: but the Catholic so situated must still take the Oath of Supremacy.

In answer to a question from Lord John Russell,—

Mr. Peel said, that if there were a case in which a Roman Catholic had said, that he would not take the oaths required by law, and his constituents had nevertheless returned him to parliament, he could see no hardship in depriving the person so returned of the benefit of an act which was not in contemplation at the time of the election. There could be nothing unequitable or unjust, in not extending the provisions of a new law to a case which was said to be a good one under the old law.

Mr. Huskisson then proposed, that the following words, in the second clause—“instead of making and subscribing the declaration against transubstantiation and the invocation of saints, and the sacrifice of the mass, as practised in the Church of Rome,” be left out of the bill.

Mr. Peel did not object to the amendment. As this declaration was repealed in the first clause, it was certainly not necessary that any mention should be made of it in the second clause.

The amendment was agreed to.

Mr. Houldsworth proposed, that the Catholic should be obliged to declare, that if, contrary to his belief, the fact should turn out to be, that the pope of Rome, or any other potentate, had temporal power within this realm, he would take measures to counteract its exercise.

Mr. Peel said, it would be extremely improper in the House to admit the possibility of the pope having temporal power in this country; besides which he thought the security afforded by one individual making such a declaration not of sufficient importance to warrant the adoption of the amendment.

The amendment was withdrawn.

Mr. Estcourt moved, that in the clause, “And I do hereby disclaim, disown, and solemnly abjure, any intention to subvert the present church establishment as settled by law within this realm,” after the word “subvert,” the words, “And I do solemnly swear that I will not, directly or indirectly, attempt to subvert or injure,” should be introduced.

Mr. Peel thought the committee would consider it was quite sufficient to abjure any intention to subvert the present church establishment. The oath, in fact went farther in that particular than any oath which had been heretofore proposed.

Mr. Wynn agreed with his right hon. friend, that the amendment could not be introduced into the oath without taking from its effect. He would even prefer the oath if it were shorter. Any man who would not be bound by this oath would not be bound by any.

The committee divided: For the amendment; 99; Against it, 261: Majority, 162. At length the House resumed, and the chairman reported progress.

MARCH 24, 1829.

In a Committee on the Roman Catholic Relief Bill, MR. SECRETARY PEEL proposed a verbal amendment in the clause enacting, “That it shall and may be lawful for persons professing the Roman Catholic religion to vote at elections of members to serve in Parliament, and to be elected such members: and also to vote at the elections of representative peers of Scotland and Ireland, and to be elected such representative peers, &c.,” on producing to the proper officer a certificate of having taken the oath appointed; or upon taking and subscribing the oath at the time. The object of the amendment was, to render the passage more explicit, and to provide for the case of Scotland, and that of persons who were to administer the oath.

On a division, the original clause was carried by 158 against 54; majority, 104.

The Marquis of Chandos moved, as an amendment, to provide against the danger of a Roman Catholic being prime minister, or First Lord of the Treasury, that, after the words “office of,” and before the words “Lord Chancellor,” be inserted the words “First Lord Commissioner of his Majesty’s Treasury.”

Mr. Secretary Peel said, that the security proposed by the noble lord would be a perfectly delusive one. He should oppose the amendment, therefore, because the



bill was founded upon the principle of an equality of civil rights, unless where special grounds justified special exceptions. Even if a Roman Catholic should attain to the office of prime minister—which was certainly a very unlikely thing—he could not interfere with the disposal of church patronage, for there was a special clause in the bill which provided that “it shall not be lawful for any person professing the Roman Catholic religion, directly or indirectly, to advise the Crown in the appointment to, or disposal of, any office or preferment, lay or ecclesiastical, in the united Church of England and Ireland, or of the Church of Scotland,” and which further provided, that a Catholic convicted of so doing should be deemed guilty of a high misdemeanour, and disabled for ever from holding any office, civil or military, under the Crown. That appeared to him a sufficient security against the danger of a Roman Catholic, as prime minister, disposing of church patronage. From the office of Lord Chancellor the Catholics were excluded, because the church patronage in the hands of the Chancellor was inherent in the office; but it was not so with the office of the First Lord of the Treasury. The Church patronage did not belong to that office, nor was the person who filled that office necessarily prime minister. Speaking constitutionally, he would say, that patronage belonged to the Secretary of the Home department, for his name was always introduced in every form connected with the disposal of the dignities and preferments of the Church of Scotland. The law of England never recognised such an office as that of prime minister, and it did not necessarily follow, that the person filling that conventional office should have the disposal of the church patronage, for according to the law of England, that attached to the office of Secretary of State. In a recent instance his late right hon. friend, Mr. Canning, determined to hold the office of prime minister with that of Secretary of State; and he knew, for his right hon. friend had told him so, that his right hon. friend was satisfied that there would be no objection to his holding the two offices together—that of prime minister and Foreign Secretary, and having the church patronage of the country in his hands. His noble friend would, therefore, see that the security which he would propose, was, in fact, no security at all. There was but little chance that a Catholic would ever be first lord commissioner of the Treasury, and he might be prime minister without holding that office; and, in any case, he could not advise the Crown in the disposal of church patronage. He should therefore oppose the amendment, as it offered no security, and was against the principle of the bill.

Subsequently, Mr. Peel observed, that there was no church patronage directly vested in the hands of the First Lord of the Treasury, or of the Secretary of State. These offices merely advised the Crown in the disposal of that patronage. The offices of Lord Chancellor and Lord-lieutenant were excepted; as to those offices the disposal of the church patronage inherently attached. No doubt, the minister who advised the Crown as to the disposal of that patronage exercised a great influence over its disposal; but no Catholic could do so without being guilty of a high misdemeanour. \* \* \* It was impossible to give the security required, as the law did not recognise such an office as that of prime minister. In the eye of the law, the ministers were all upon an equality, and his noble friend would not effect his object by making an exception of the First Lord of the Treasury, for any other of the ministers might be prime minister. When Lord Chatham was prime minister, he did not hold the office of First Lord of the Treasury.

In reply to Mr. Bright, Mr Peel said,—there was a security in the bill, which he thought would completely satisfy the hon. member, and would insure his vote in favour of the clause. He conceived that the clause gave complete security, that the Secretary of State for the Home department would be easily amenable for any advice he might give, if the government were administered on principles similar to those on which it had always been carried on; for he apprehended, that advice to the Crown was really indicated by the counter-signature attached to those documents, by which Church patronage was disposed of. The Secretary of State, therefore, whose name appeared attached to any document of that kind, whether it were the nomination of a bishop, or for the disposal of any other portion of Church patronage, must be considered as the adviser, and he thought, if the House of Commons wished to find out who was the adviser, the signature would afford complete *prima facie* evidence on the subject. Therefore, there would be no necessity

for divulging the secrets of the council; because orders signed by the Secretary of State for the Home Department, would be the evidence as to the person who advised the Crown. The hon. member had, therefore, perfect security, under the present clause, with respect to that point.

And, in reply to Mr. Trant, who had charged the right hon. Secretary with having said, that it would be a monstrous, a disgraceful thing, to allow them (the Roman Catholics) to get into those great offices,—

Mr. Peel observed, that what he did say, was, that according to the practice of the constitution, he considered that the person who filled the office of prime minister must have the disposal of the church patronage; and there was a provision in the bill, declaring that Roman Catholics should not advise the Crown, with respect to that patronage. Now, this being the case, though there was not a distinct disqualification of the Roman Catholics, with reference to the office of prime minister, yet he thought it would be so inconvenient for any person, not possessing that patronage, to act as prime minister, that it appeared to him highly improbable, if not impossible, that any Roman Catholic would attempt it. As to the words "monstrous" and "disgraceful," they were little effusions of the hon. member's fancy. \* \* \* \* There were three secretaries of state, and any arrangement with respect to their business was merely arbitrary and conventional. He apprehended, that the signature of his noble friend in the foreign department, or of his right hon. friend in the colonial department, would be just as valid, if placed to any of these documents, as that of the Secretary of State for the Home Department. The security afforded by the bill was, that there must be a Protestant Secretary of State to sign documents relating to church patronage.

In reply to Mr. Bright, Mr. Peel said, that if he had not entered into a detail on this subject, it was because he felt perfectly satisfied that the hon. member was deeply conversant with the principles and practice of constitutional law. He had an unaffected respect for the hon. member's abilities and knowledge; and as he believed that the hon. member understood the subject thoroughly, he did not think it necessary to explain the nature of the difference between the three secretaries of state, which was nothing more than an arbitrary one. In the absence of one secretary, the signature of another was perfectly valid. He would again say, that if a Roman Catholic secretary gave advice with respect to the disposal of church patronage, or issued any document for that purpose, he would under this clause, be guilty of a misdemeanour.

On a division, the amendment was negatived by 218 against 98; majority, 120.

An amendment by Sir E. Knatchbull, that, after the words "governors of Ireland," the words "or become or be of his Majesty's most honourable privy council" be inserted, was negatived without a division; as was also an amendment proposed by Mr. Moore, that the words "or governor, or acting governor of any of the colonies," be added to the clause.

On the next clause, Mr. Peel, with reference to that part of the clause which provided that, "where such right of presentation should belong to any office in the gift or appointment of his majesty, his heirs or successors, in which case, if such office shall be held by a person professing the Roman Catholic religion, it shall be lawful for his majesty, his heirs and successors, to appoint, by commission under the great seal, such member or members of the privy council, being a Protestant or Protestants, as he or they should think fit, to be a commissioner or commissioners for exercising such right of presentation, while such office shall be held by a person professing the Catholic religion," remarked, that the hon. member for Corfe Castle had objected to this part of the clause, that the appointment of the commissioners might be under the control of a Catholic prime minister, and therefore they would probably exercise their office under his influence. He proposed, in order to obviate this objection, that instead of the appointments in such cases devolving upon commissioners, they should be made by an individual whose Protestantism could not be suspected—he meant the archbishop of Canterbury for the time being.

The clause, as amended, was agreed to.

On the clause inflicting a penalty on Roman Catholic ecclesiastics officiating except in usual places of worship, Mr. Peel said, that this was a clause calculated to give great satisfaction to Protestants, and no dissatisfaction to the Catholics.

In the discussion of the clause inflicting a penalty of £50 for every calendar month during which an unregistered Jesuit, or member of any monastic order of the Church of Rome, bound by religious vows, shall remain in the country, without giving the usual notice to the proper officer, Mr. Monck objected strongly to this clause, as containing severer penalties than even the 27th of Elizabeth, and comprehending a wider scope of operation. It would embrace the Knights of Malta, composed of the first families in Europe.

Mr. Spring Rice also opposed the clause. He was sorry to see new penalties imposed by a bill the object of which was to remove other odious penalties. He contended, that persons belonging to monastic orders could do no injury to the Protestant establishments of this country. There were some lay orders in Ireland established for charitable purposes, which had founded schools, and the members of which were bound by vows, which this bill would affect. He would, therefore, propose as an amendment, that those persons who were not ordained should be exempted from the operation of the bill; or, in other words, that it should not affect lay persons though bound by monastic vows. He should, therefore, move, that the words "not being laymen" should be inserted.

Mr. Stanley also objected to the clause. It would, he said, affect the college of Stonyhurst, where Jesuits diffused a useful system of education, and were of the utmost local advantage to the neighbourhood.

Mr. Wynn regretted extremely the invidious tendency of this clause. If one of the society of Benedictines, in pursuit of the great history in which his order had been for so many years employed, were to come to England to search records, ought he to be liable to this penalty? Or if Angelo Mai were to arrive here from Rome to prosecute his learned studies, ought he to be exposed to similar obstruction? The government might reserve to itself, through the Secretary of State, a control over individuals, to be optionally exercised. Such a course would be better than an enactment of this nature.

Mr. P. Thompson thought the exclusion of the Jesuits from this country would be attended with unmitigated good. That order had already been opposed to civil and religious liberty; and this had been felt in every Roman Catholic country. In France, a great struggle had long been carried on, to prevent the Jesuits from monopolizing the establishments for the education of youth; and this opposition, on the part of the people of France, was the result of experience, and of a knowledge of the character of the Jesuits. If the clause had been introduced as a substantive measure, wholly independent of the general measure, of which he entirely approved, it should have had his entire approbation. In his opinion, it was the best part of the bill.

Mr. Labouchere said, he heard the opinions of the hon. member for Dover with regret. He did not like the Jesuits; but he objected to any class of persons being excluded from this country, who conducted themselves with propriety. Nothing could reconcile him to this clause, which was contrary to the free, open, and hospitable character of the English constitution. There were many scientific and learned men, members of religious orders, and it would be paltry and disgraceful to exclude them from visiting England. Turks, Pagans, and Infidels were admissible to this country; and it would be highly discreditable to exclude only those bound by religious vows. The only monks which he (Mr. L.) had ever seen in this country were some monks of the Swiss order of St. Bernard. Many gentlemen, in common with himself, had been indebted to the hospitality of those persons abroad; and if any one of them expressed a desire to visit this country, on scientific or literary pursuits, what pain an Englishman must feel, on being obliged to state, that if he or any of his brotherhood should come to England they would be liable to fine and imprisonment, merely because they belonged to a religious order.

MR. SECRETARY PEEL defended the clause. The present bill was, he said, a measure of concession to the Catholics, and should be met by persons professing that religion in the same spirit. The existence of monastic orders was by no means necessary to the existence or maintenance of the Roman Catholic religion, or the Roman Catholic church. There was a wide distinction between the members of monastic orders and the secular clergy. The laws of England were always opposed to monastic orders, and distinguished between the members of those orders and the

secular clergy. When the measure passed for the relief of the Roman Catholic clergy in 1793, the laws against the monastic orders remained in force; but they were evaded by means of secret trusts, which was an additional reason why there should be some direct enactment on the subject. Every foreign country had manifested a jealousy of the Jesuits; and, as had been well observed by the hon. member for Dover, in France a great struggle had been carried on, to prevent the members of that order from monopolising the education of the people. If the Jesuits were excluded from other countries, it was natural to suppose that they would resort to this; and it was too much to expect that this order should meet that encouragement and protection in a Protestant country, which was denied to them in Roman Catholic countries. It was consistent with good policy that every precaution should be taken with respect to the introduction of those religious orders into this country; and, considering the nature of this bill, every satisfaction ought to be given to those who entertained apprehensions as to the consequences of those monastic orders being established here. There was a law already in existence for the prevention of Jesuit establishments, but it was not found effective. There was nothing intolerant, however, in the proposed clause. Those persons at present resident in this country were allowed to remain, upon the registration of their names, which was not a very severe penalty, and we were only following the example of almost every Roman Catholic country, in preventing them from settling here. If the House could be aware of the anxiety and apprehension entertained in some neighbourhoods where Jesuits had arrived, with large funds, and with the intention of establishing themselves, the necessity for some provision on the subject would be most obvious. As to the benefit derived from the exertions of those persons in promoting education, as referred to by the hon. member for Limerick, if persons wished to promote education, it was by no means necessary that they should bind themselves by monastic vows. Vows of celibacy, or vows of poverty, had surely nothing to do with the promotion of education, or, as far as he could see, with the exercise of the Roman Catholic religion. The constitution and the law of this country were opposed to persons binding themselves by secret vows. The clause had given great satisfaction to those who had hitherto offered a conscientious opposition to the claims of the Roman Catholics; and for his part, he could not consent to withdraw it, when Roman Catholic states had thought it necessary to exercise the same kind of jealousy with respect to particular orders.

At length the House resumed, the bill was reported, and the farther consideration thereof was fixed for Friday, the 27th.

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## JUSTICES OF THE PEACE.

MARCH 25, 1829.

MR. SECRETARY PEEL rose, pursuant to notice, to move for "leave to bring in a bill, the object of which was to regulate the Office of Justice of the Peace in Counties at large, and to facilitate the discharge of the duties imposed upon those Functionaries." No one had more ample opportunities of observing the manner in which justices of the peace discharged the important duties of their office, than the Secretary of State for the Home Department. With the most perfect sincerity he bore testimony to the exemplary manner in which those magistrates performed their duties; and he hoped he should never see the day when the country would be deprived of their valuable services, by any transfer of their duties to other hands. It was impossible that they could be transferred to any hands capable of discharging them with more general satisfaction than those to which they were already intrusted. The object of the bill which he proposed to introduce would be, to facilitate the exercise of the duties, and to simplify the laws which applied to them; but by no means to trench upon the existing privileges of the magistracy. There were in all, he believed, twenty-three acts which related to the qualifications and jurisdiction of magistrates. The enactments in these were numerous, and some of them complex. He proposed to proceed as had been done with the criminal laws last session; namely, to unite them all in one general statute, repealing such portions

as, upon consideration, might appear unnecessary, and making such additions as the lapse of time might have rendered desirable. He would not then enter into any details; they would be best seen when the bill should be printed. For its subsequent stages he would fix a time sufficiently remote, to allow of the fullest consideration. It might not be amiss, however, that he should then lay before the House an outline of the intended measure. The qualification of magistrates had been fixed, in the reign of George II., at £100 a-year. Since that time, the value of money had so much changed, and property had so much increased, that not the slightest difficulty could be experienced in finding persons possessed of much higher qualification than that; and it had been considered highly expedient that the amount should be raised from £100 to £300. This, of course, was not intended to apply to local magistrates; it was only to affect justices of the peace for counties at large. It was also intended to abolish the distinction between justices of the quorum and justices of the peace; the necessity for such a distinction having long since passed away. Another provision which he intended to introduce was one for enabling magistrates to compel the attendance of material witnesses; and he would likewise propose, that the magistrate who issued a summons should attend personally to hear and assist in determining the matter in dispute. His bill would also make provision for the regular holding of petty sessions, and contain a general form of conviction; the want of which had been heretofore seriously felt, and even by the legislature itself; for in every new act a fresh form of conviction was to be given; and for offences against the common-law no settled form was extant. These defects he proposed to remedy. As respected fines and penalties, he proposed that returns should be regularly made to the Clerk of the Peace, and he would introduce a provision for regulating the fees to be received by the clerks of the justices themselves. These, besides the consolidation of the acts above referred to, constituted the principal provisions of the bill. He presented it to the House with the greater confidence, it having been prepared with the assistance of his hon. friend Mr. Hobhouse. Though prevented by ill health from continuing in public life, he was anxious to give to the country the benefit of his long experience, and knowledge of the subject.

Leave was given to bring in the bill.

## IRISH QUALIFICATION OF FREEHOLDERS' BILL.

MARCH 26, 1829.

Mr. Dawson having moved the recommitment of this bill, Mr. Moore moved, "That it be an instruction to the committee, that they have power to extend the operation of the bill to boroughs, and cities, and towns corporate in Ireland."

The motion was negatived.

Mr. Moore then moved, "That it be an instruction to the committee, that they have the power of preserving the existing rights of Protestant freeholders."

MR. SECRETARY PEEL thought his hon. friend had acted wisely in not pressing his former resolution to a division. He also thought that when his hon. friend considered that his present motion was founded on a religious distinction, and not on political grounds, he would see the expediency of withdrawing it also. His hon. friend must see that it would not be fair to grant the Protestant freeholder a privilege which they took from the Catholic, because, as his hon. friend stated, the Protestants in the north of Ireland were respectable and uncontrolled in the exercise of their franchise by spiritual influence; for his hon. friend must know, that very many respectable Catholic freeholders, who had voted in favour of Protestant candidates, undismayed by popular clamour, would be disfranchised by the bill before the House, no less than the Protestant freeholders. There then existed no valid ground of distinction, so far as respectability and freedom from spiritual influence were concerned; and would his hon. friend rest his proposition on a religious distinction? He was sure he would not, and that the force of the maxim quoted by his hon. friend, "*Sic utere tuo, ut alienum non ledas*," would induce his hon. friend to withdraw his motion.

The motion was negatived without a division.

The House having resolved itself into a committee, Mr. Moore proposed as an amendment, on the clause raising the qualification from 40s. to £10, that the words "twenty pounds" be inserted instead of "ten pounds."

Mr. SECRETARY PEEL said, he should give his most decided opposition to such an amendment. If his hon. friend would but look to the clauses which regulated and determined the £10 franchise under this bill, he would see, that the present qualification afforded the most ample security, under such restrictions for its beneficial exercise, and a far better security than the raising of it to £20, under the existing system, would supply. He objected to this amendment also, because it would go to take the elective franchise from the counties, and to throw it into the great towns—to deprive the landed proprietors in the counties of their influence, and to throw it into the hands of the shopkeepers in the great towns. The machinery of the bill imposed a severer test of the qualification, than the mere oath of the party, which was now the only test required. He certainly thought £10 was a proper medium to preserve. It would not so much restrict the popular constituency as £20: it would, therefore, give more satisfaction, and, in his opinion, would be found quite sufficient for the protection of those interests which it was designed to guard.

In reply to Mr. Trant, Mr. Peel said, it was true, as his hon. friend had stated, that wonderful things had happened since 1825 [hear, hear!]. His hon. friend was one of the greatest plagiarists he had ever known; he had always his book ready to refer to [hear, and a laugh]. He would say to his hon. friend, "*Pereant, qui ante nos nostra dixerunt*" [hear, hear!]. Though his hon. friend was now adverse to the measure proposed by his majesty's ministers, yet, if a general election were to take place to-morrow, during the present state of the franchise, his hon. friend would be soon convinced of the necessity of adjusting this question in the way in which he hoped the House would now adjust it.

The committee then divided: For the Amendment, 16; Against it, 112. Majority, 96.

## ROMAN CATHOLIC RELIEF BILL.

MARCH 27, 1829.

In the debate in further consideration of the report of the Committee on this bill, Sir R. Vyvyan rose to propose two amendments in the clause containing the oath to be taken by Catholics. He was astonished to find that the bill proposed by ministers had omitted two most material portions of the oath of 1791. The following words occurred in that oath, after the words "to the crown of these realms"—"and I do swear that I do reject and detest, as an unchristian and impious position that it is lawful to murder or destroy any person or persons whatsoever for or under pretence of their being heretics; and also, that unchristian and impious principle, that faith is not to be kept with heretics or infidels;" and at the end of that oath were annexed the following words, which were omitted in the oath proposed by this bill;—"And without any dispensation already granted by the pope, or any authority of the See of Rome, or any person whatever; and without thinking that I am, or can be acquitted before God or man, or absolved of this declaration, or any part thereof, although the pope, or any person or persons, or authority whatsoever shall dispense with, or annul the same, or declare that it was null or void." Now he would propose, as an amendment, that the first portion of the oath of 1791, which he had read, be inserted in the oath contained in the present bill, after the word "realms," and before the words "and I do further declare." It was well known, that the principles of the Roman Catholic religion remained unchanged; and that the principle against which the oath of 1791 was intended to guard, still actuated professors of that creed, might be gathered from the events of modern times. He would only refer the House to the year 1816, when this principle of persecution against heretics was carried to its full extent of blood and murder in the south of France. He would wish to know from the right hon. Secretary, the reasons which had induced him to omit this portion of the oath, containing so essential a security, and which was so considered by the framers of the bill of 1791. As to the dispensing power of the

pope, to which the other portion of the oath which he would propose to insert had reference, he would only observe, that it existed still, and was recognised in some of the European Catholic countries. The hon. member concluded by moving the first amendment.

MR. SECRETARY PEEL said, that if the hon. baronet conceived that the amendment which he proposed would offer any additional security, he was greatly mistaken; for it would be no security at all. He had no hesitation in saying, that he had omitted the words from the oath, which the hon. baronet now proposed to insert in it, because he conceived it would be perfectly unnecessary to call upon the parties whom they were about to admit to all the rights and privileges of the constitution, to declare, that they did not believe, as an article of their faith, that it was lawful to murder heretics. It appeared to him, that it would only be encumbering the oath with an unnecessary declaration, which would merely serve to weaken the force of the oath, and to divert the attention of the party who took it from those parts of the oath which were required to be taken by him as a test of his civil allegiance. When they were about to admit the Catholics to an equality of civil and political privileges, it did appear to him, that it would be an odious as well as unnecessary thing, to call upon any man, on whom they were going to confer such privileges, to declare that, under any circumstances, it would be lawful to commit murder. The hon. baronet had further objected to the present oath, because it omitted the clause which obliged Catholics to declare, that they did not believe that the pope possessed the power to dispense with the obligation of an oath. Now, if any person believed that the pope possessed such a power of dispensing with oaths, it must be clear, that no oath whatever would be a security against such a party. Against individuals who entertained such a belief, if any there existed, no oath that could be devised would afford any security whatever; the declaration, therefore, in reference to the dispensing power of the pope, had been omitted in the present oath, because it was useless and unnecessary. The present oath afforded the best of all securities when it called on the party taking it to swear solemnly in the presence of God, that he "makes this declaration and every part thereof, in the plain and ordinary sense of the words of this oath, without any evasion, equivocation or mental reservation whatsoever." If they could not believe the man, who in the presence of God, made such a solemn declaration as that, it would not be possible to devise any oath which could bind him, or afford them any security. It ought not to be forgotten, that it was oaths alone which excluded Roman Catholics from seats in that House, and from all the privileges of the state. They were not excluded by the direct operation of any law in England or Ireland. There was no law which excluded Roman Catholics as such: they were excluded by the indirect and consequential operation of oaths. Now, if Roman Catholics held the belief of the dispensing power of the pope in respect to the obligation of oaths, what was it, he would ask, that prevented Catholics from taking their seats in parliament, and from filling the various offices of the state? As the law at present stood, they allowed Roman Catholics to give evidence in the courts of justice, both civil and criminal, and to act as jurors in cases where the lives and properties of their fellow-citizens were concerned. Would it be right to call upon those men whom they were now about to admit to the highest privileges, to declare, that they did not believe that any power could absolve them from an oath? And were they further to call upon such individuals to declare, that they did not believe that it was lawful to murder heretics or to destroy any persons for or under pretence of their being heretics? If it were possible that such a belief should exist amongst the Catholics, they should not only not admit them to the privileges which this bill went to confer upon them, but they should disqualify them from giving evidence in courts of justice, and from discharging the duties of jurors, where they exercised a power over the lives and properties of their fellow-citizens. It was for these reasons that his majesty's government had determined to omit the words, the insertion of which was now proposed by the hon. baronet, feeling, as they did, convinced, that if a man could not be believed after taking the present oath, there was no possible oath by which they could attempt to bind his conscience.

After some discussion, the two resolutions were put and negatived.

Colonel Sibthorp gave notice that he should move an amendment to the

clause which enabled Roman Catholics, to be members of lay corporations. In page 6, line 27, after the words "or any college or school or ecclesiastical foundation within this realm," he proposed to add the words, "or to enable any person or persons professing the Roman Catholic religion to vote, or to have any power or control, in matters relating to the management or appropriation of sums of money, or other grants which have heretofore been made, or which may hereafter be made, in aid, support or endowment of schools, alms-houses, or charitable institutions, of Protestant foundation." He had before stated the reasons which induced him to propose this amendment. As he understood the bill, it was not intended to enable Catholics to act, in respect of the foundations in any way in which they were now disabled from acting; and he supposed, therefore, that there would be no objection to his amendment. Let it not be thought that he looked upon this as a sufficient security. For his own part, he considered all securities as nonsense [a laugh]; but as it appeared to be generally understood, that something under the name of securities should be added to the bill, he would contribute his mite towards that something. There could be no doubt that the Roman Catholics would get as much power as possible into their hands; indeed, on a former occasion, the right hon. gentleman had expressed his apprehension of this propensity to power on the part of the Catholics. One of the great instruments of power was money; and though he should be very glad to secure all corporate funds from the control of the Catholics, yet, not being able to do that, he now proposed to place beyond their reach such funds at least as were appropriated to the maintenance of schools, alms-houses, and charitable institutions of Protestant foundation.

Mr. Peel said, that he was anxious to accommodate the hon. member to the utmost of his power; but as the hon. member had told them, that he looked upon all securities with contempt, he thought on the hon. member's own showing, the amendment was mere surplusage. The part of the bill, in which the hon. member proposed to introduce his amendment began thus—"Provided also, and be it enacted, that nothing in this act contained shall be construed to enable any persons, otherwise than as they are now by law enabled, to hold, enjoy, or exercise any office," and so forth. In this clause, therefore, there was no specific mention of Roman Catholics; while, in the amendment, there was a specific mention of them. He really did not know the meaning of the amendment, nor could he see how far it might extend. In the case of family trustees, Catholics might have influence over institutions, such as were mentioned in the amendment. Did the hon. member mean to deprive them of that influence? Did he mean to disqualify a Catholic who might have been confided in by the person making a bequest, from acting in pursuance of a trust committed to him? The amendment did not relate to corporate funds: it was a general disqualification. There might be a trust left by a Protestant family; the object of the trust might be a Protestant; and yet, by succession or by appointment, a Roman Catholic might be or become the trustee. To such a case this amendment would apply; and it would disqualify the Roman Catholic. He really thought that the hon. member would do better by adhering to his original intention of giving notice of this amendment, and refraining from moving it then.

Colonel Sibthorp afterwards begged to be allowed to withdraw the amendment, and to give notice that he would move it on the third reading of the bill.

The amendment was accordingly withdrawn.

Sir R. Vyvyan, on the clause relating to the Jesuits, moved, as an amendment, that the clause run thus:—"Be it therefore enacted, that every Jesuit, and every member of any other religious order, community, or society of the Church of Rome, whatever be his title, character, or designation (this was particularly necessary, for a greater difficulty never existed than that of finding out who really were Jesuits), bound by monastic or other vows, who, at the time of the commencement of this act, shall be within his majesty's dominions, shall deliver to the clerk of the peace of the county or place, or his deputy, or to the governor of the colony where such person shall reside, a statement in the form and containing the particulars set forth in the schedule to this act annexed.

After some discussion, Mr. Peel said he was of opinion, that the House would be able to discuss the amendment to more advantage, if the hon. baronet would state the



general outline of the plan he meant to propose with respect to the monastic orders. That information once given, the whole question might be discussed together.

Sir R. Vyvyan stated his object to be, that the provisions of the bill should be extended to the colonies, and that stronger means should be adopted for preventing the increase of monastic institutions of every kind.

Mr. Peel said, the hon. baronet had now stated generally what enactments he contemplated. For himself, his desire was, that justice should be observed towards individuals while the object of preventing the spread and increase of those monastic institutions should be effected. He entirely concurred with the hon. baronet in thinking, that it was perfectly consistent with the interests of a Protestant state to follow the example of other states, governed by Roman Catholic sovereigns, and to take the precautions which they had taken against any danger to their rights, which might be apprehended from those monastic orders. It was the duty of the legislature to take care that the Protestant institutions of this country were not abused, by allowing those Jesuits who were expelled from other places to assemble here; but in doing that they ought to have a proper regard to the just rights of individuals. Now, in pursuing this enquiry, it was material to ascertain, in the first instance, what was the existing law with respect to the Jesuits, and with reference to monastic orders generally in England and Ireland; and to see whether those individuals were not here on the faith of that existing law. They would then have to enquire, whether the present bill which would prevent the future admission of British subjects in this country into the Society of Jesuits, and which would also prevent the arrival of foreign Jesuits in the United Kingdom, were not sufficient to meet every apprehended danger? Now, the state of the law in England and Ireland was this:—At present there was in Ireland no law whatever against the Jesuits or the monastic orders. He did not know what the state of the law was before 1793; but since 1793 he apprehended there was nothing in the law of Ireland to prevent the residence of Jesuits, or of other monastic orders in that country. In England, since 1791, there was nothing to prevent the residence of Jesuits here: but the law gave the Roman Catholic, who took the oath of 1791, the express power to belong, if he pleased, to any of the monastic orders. The act of 1791 provided, "that no Roman Catholic who has taken and subscribed the oath hereinafter appointed to be taken, shall be presented, indicted, sued, prosecuted, or convicted, in any civil or ecclesiastical court for being a papist, or a reputed papist, or Roman Catholic priest or deacon, or for entering into any ecclesiastical order or community." The part of the bill which he was now reading related to the Jesuit in his individual capacity, and it had the effect of preventing any person from being prosecuted as a Jesuit, in his individual capacity. As to monastic endowments, the law of 1791 left that subject exactly as it stood before. Such endowments were illegal. The endowment of a college for Jesuits, or for any other monastic order whatever, was contrary to law, and if discovered, became forfeited. The existing law, therefore, which the act of 1791 did not touch, gave as complete security as law could give, against the application of property to the support of monastic orders, or to any other superstitious uses of that nature. What was looked to by the act was, merely the individual capacity of any Roman Catholic. The law did not touch him; and he might in his private capacity, attach himself to the order of Jesuits, or to any other monastic order, under that act which specifically declared, that he should not be liable to prosecution. He thought, therefore, though policy might require that they should interdict an addition to the number of Jesuits at present here, that it would be a very harsh measure to deprive individuals of the liberty to reside in this country, after they had relied for protection and security on the existing law. If the statute of 1791 had given them notice, that, at a future time they would be deprived of this privilege, they would not probably have come to this country, or remained here. But they had, under the Act of Parliament, permission to stay here for their lives; and under these circumstances, he conceived it would be unjust to interfere with them. The bill left the law as it found it, with respect to monastic endowments: it compelled the Jesuit, or the member of any other monastic order, to register himself, so that the government must have a perfect knowledge of the number of those persons; and it likewise forbade the arrival in England of any more individuals of that class. If there were any British subjects, prior to the passing of this measure,

who, relying on the statute of 1791, became Jesuits, they had a right to come forward and perform the act of registration under this bill. But notice was given, that after the act came into operation, any British subjects who connected themselves with the Jesuits, or any other community of that nature, could not avail themselves of the benefit of this law. This was going, he thought, as far as they should go.—The hon. baronet wished to extend this measure to the colonies. But he ought to recollect that some of the colonies were peculiarly circumstanced. He did not exactly know the state of the law with respect to Canada. He believed the College of Jesuits there had been suspended; but he thought it would be a difficult and delicate matter to legislate on this subject for a colony, the inhabitants of which were almost entirely Roman Catholics. In Canada the legislature had the power of regulating the Jesuits. In those colonies which had no legislature, the Crown had the power of regulation. His wish was to extend this law to all colonies where there were Roman Catholics. There was no difficulty in the governor's requiring a return of all the monastic orders and of Jesuits in each colony. The effect of the present bill was, not to abolish all the monastic establishments for education, but to prevent an increase in their number. In 1800, in consequence of the troubles in France, there was a great resort of foreign regulars to this country: the attention of the legislature was in consequence called to the subject, and a bill passed that House, which required the registration of all foreign regulars residing temporarily in this country, and prevented any addition to their number. This bill, which did not affect British subjects who were affected by the bill of 1791, did not pass into a law; it was rejected in the House of Lords, mainly owing to the speech of Bishop Horaley; so that the Jesuit would appeal to the bills of 1791 and 1800. In his opinion, much less evil would be occasioned by suffering them to remain, than by violating a kind of pledge given them by the legislature.

After some desultory conversation,

Mr. Peel proposed a clause, providing that where the name of George the Fourth occurred in the oath, it should be altered, from time to time, to the name of the sovereign for the time being. This clause was necessary, he observed, to obviate any objection that the oath, in its present state, would apply only to his present Majesty.

The clause was agreed to.

Mr. Peel then stated, that it might be desirable that an individual Jesuit might be allowed to reside in England for a limited time; there might be eminent scholars or persons specially called here, to whom it might be proper to extend this indulgence. The clause he should propose for this object, provided, that it should be lawful for one of his Majesty's Secretaries of State, by licence, to allow a foreign Jesuit or member of a religious order, as aforesaid, to come to the United Kingdom, and to remain therein for a period not exceeding six calendar months, with power to revoke such licence if he should see fit; and if such foreign Jesuit or other person did not depart within twenty days after the licence had been revoked, or within twenty days after the expiration of the licence, he should be guilty of a misdemeanour, and be banished for life from the United Kingdom. He should also propose, in another clause, that a list of all such licences granted within the preceding twelve months be laid before Parliament each session.

The clauses were agreed to.

Sir R. Vyvyan moved a clause, of which the effect was, that no Jesuit or member of any monastic institution should be a schoolmaster, under a penalty, for the first conviction, of £200; for the second of £500; and for the third of banishment for life. He intended also to propose, that if within three months after the passing of this act, any monastic establishment should harbour any young person, being a subject of his Majesty, the establishment should be dissolved.

Mr. Peel observed, that the clause would be unjust, because the act of 1791 gave to the Catholic clergy the right to keep schools for the education of Catholic youth; and the clause now proposed prevented both Catholics and Protestants from being educated by Jesuits. With respect to schoolmasters, the act required that their names should be registered with the clerk of the peace, and parties who kept a school on the faith of the act would have just ground of complaint. On the principle of public faith it was objectionable. Although it might be desirable to prevent the

education of youth by Catholics, he would rather stand on the public ground of good faith.

The amendment was negatived. On the motion, that the bill be engrossed, the House divided, Ayes, 233; Noes, 106; Majority, 127.

MARCH 30, 1829.

MR. SECRETARY PEEL having moved the order of the day for the third reading of the Roman Catholic Relief Bill, the Marquis of Chandos moved, as an amendment, that the Bill be read a third time that day six months.

In the debate which followed, Mr. Peel said:—Sir, the speech of the hon. and learned gentleman on this occasion is the least effective of his two speeches; and with the charges it makes against me, it contains a challenge—a challenge I am about to accept, while I attempt to defend the bill against the charges he has made. If that speech contains all the imputations against the measure with which it can be visited, I must confess I have not heard, in the whole course of the debates—and I have listened throughout to the eloquent speeches made by the defenders of the measure—but I did not hear any one with such complete satisfaction as I heard the speech which the hon. and learned member for Plympton made against the bill. The hon. and learned gentleman has attacked the policy of the bill—and why? The hon. gentleman, Sir, has hunted up some quotation, some opinion of Mr. Justice Allyn, in order to prove the impolicy of admitting Roman Catholics to seats on the judgment bench; and all I heard went only to prove, that because Mr. Justice Allyn held an absurd opinion, or made use of an absurd argument, we must now expect the same doctrines from any Roman Catholic who should become a justice. But how would the doctrines laid down apply to the Protestants? Were these arguments, at the same time, not equally erroneous? According to the doctrine of the hon. and learned gentleman, any man who lays down an obnoxious, or incorrect, doctrine on the bench, is, by so doing, not only disqualified himself for civil liberty, but his erroneous doctrine is to disqualify all the persons who profess the same faith through all generations. On this principle, I ask, what will become of the lawyers of 1829, if they are to be judged by the doctrines of the last century? What was done, Sir, on the question of ship money? Were the judges on that occasion Roman Catholics? Is it possible to draw any argument against any opinion from the erroneous opinions of men during a bad time? Is it possible to conceive for a moment, that because Mr. Justice Allyn held an opinion in such times which was not the same as that held by his colleagues, that his opinion is for ever to exclude Catholics from the judgment seat? What, however, did the Lord Chief Justice say on the same occasion—"Now, gentlemen, any thing that shall disturb the government, or make mischief and a stir among the people, is certainly within the case of *Libellis Famosis*, and I must in short give you my opinion—I do take it to be libel." Other judges, not Catholics, held the same opinion as Mr. Justice Allyn. Now, the hon. and learned gentleman quotes a Catholic judge; but when the hon. and learned gentleman wanted, the other evening, to hurl a sarcasm against my noble friend, the Lord Chancellor, then he referred to Lord Chancellor Shaftesbury, and to Lord Chancellor Jeffries. When he is to oppose the Catholics, he refers to the errors of a Catholic; when he attacks a Protestant, he finds arms amongst Protestants. But we disclaim the doctrines—we refuse to be bound by the acts—of those judges; and so may the Roman Catholics of this day disclaim the doctrines, and refuse to be bound by the decisions, of Mr. Justice Allyn, as we disclaim the doctrines of Lord Chancellor Shaftesbury, and refuse to do homage to the cruelties of Chief Justice Jeffries. The argument of the hon. and learned gentleman is worth nothing, for it tells against the Protestants quite as much as against the Catholics.

As I have disposed of this point, and as the hon. and learned gentleman has alluded to me, I feel myself bound to advert to the points mentioned by the hon. and learned gentleman. I must first say that no person could have been so much surprised, I may say astonished, as I was, at the speech which the hon. and learned gentleman made from this bench. I cannot express, indeed, the surprise, the astonishment, which that speech excited in me. Sir, up to that hour, no person heard of the intention of the hon. and learned gentleman to make a speech, and no person heard of the indignation by which the hon. and learned gentleman says

he was actuated, nor of the dangers from the political antipathy of the Catholics to which he then alluded. Sir, I will narrate facts. The hon. and learned gentleman has informed the House correctly, that a communication was made to him seven days before the meeting of parliament, of the intentions of the government as to this bill. But why was the communication made? The hon. and learned gentleman was no confidential adviser of the Crown. We were not bound to ask his opinion as to the course of policy which we meant to pursue. We had merely to resort to his assistance—not for advice as to the course we meant to pursue, but for his legal assistance in framing the measures we intended to submit to parliament. The House would suppose, when this communication was made to the hon. and learned gentleman, that he had declared that he could not assist to draw the bill, and that he could not support the principle of the measure; but the hon. gentleman said nothing whatever, by which it could be inferred that he did not acquiesce in the measure. I am bound to add, Sir, that the hon. and learned gentleman did assist in drawing the bill for the suppression of the Catholic Association. We thought it was not fair to ask his assistance in drawing the bill to put down the Catholic Association, without communicating to the hon. and learned gentleman the whole intentions of the government, as far as the principle of the measure was concerned. The hon. and learned gentleman made no objections; he assisted in drawing the bill to suppress the Catholic Association. He did more. He assisted us with his legal advice in drawing up the present bill, both as respects the law of endowments and of ecclesiastical charities. It was not until the 23rd of February, that the hon. and learned gentleman expressed any opinion against the measure, or any determination not to draw the bill. But parliament met on the 5th of February. The intentions of the government were communicated to the hon. and learned gentleman seven days before the meeting of parliament; he assisted in drawing the bill for suppressing the Catholic Association; he assisted us with his advice, with respect to the law of endowments, and superstitious uses, and he never during that time expressed any doubt of the general policy of the measure. When the time came that it was necessary for my noble friend, who had given notice that the measure would be submitted to parliament on the 5th March, that all the details of the measure should be prepared—for about the principle we had previously agreed—when it became necessary that my noble friend should, on the 23rd of February, ask the hon. and learned gentleman to prepare the bill, is there any man who heard the speech of the hon. and learned gentleman the other evening, who would not suppose that the hon. and learned gentleman displayed his indignation, and answered: “I foresee danger to my country from the measure, and I have sworn an oath which will not allow me to assist you?” [Sir C. Wetherell offered a momentary interruption without rising from his seat; but what it was could only be ascertained by persons immediately around him. Mr. Peel continued.] No, Sir, the hon. gentleman brings forward the date of the formal communication made to him on the subject, for the purpose of grounding upon it a charge against his Majesty’s government. I will state the facts of the case, and I declare it was not until the night the hon. and learned gentleman made the declaration in his speech, that I or others had any grounds for supposing that his repugnance to this measure arose from the oath he had taken as Attorney-general. In answer to the communication made to him, he said, he could not give his individual support to the bill; that was his answer, and the only objection offered by the hon. and learned gentleman to it, as far as we were cognizant, until his speech in this House. [Loud cries of hear, hear]. Be it remembered, that that speech was made by an Attorney-general of the Crown, holding office at the moment,—not having resigned it—for the purpose of founding a charge against the government under which he acted: and at the same time complaining that he did not know the intention of ministers until a short period before the meeting of parliament. This confidential officer of the Crown, of his own accord, discloses the date of a communication confidentially and officially made to him on the subject. [Hear, hear]. These are the plain facts—thus has the hon. and learned gentleman acted. One would have thought, that having predetermined so to act, he was not warranted in holding office for a moment; yet he did so, although he had not resigned, nor signified his intention to resign. Certainly, under these circumstances, the hon. and learned gentleman was not warranted in stating the date of an official

communication, for the purpose of founding a charge against government for its conduct in connexion with that communication.

With respect to the law of the case, I am aware of the tremendous difficulty which an unlearned individual like myself must find, in attempting to reply to the arguments of an hon. gentleman so skilful and sagacious upon that subject. Yet I must here observe, that if I have any understanding of the bill, nothing has more reconciled me to the loss we have sustained in being deprived of the hon. and learned gentleman's assistance, than the circumstance of his finding fault with the measure upon such legal grounds as he has done. Step by step will I follow the hon. and learned gentleman through his objections. His observations have made me regard the bill as even better than I before thought. The hon. and learned gentleman states as his first objection to the bill, that it opens and allows an unrestricted intercourse with the See of Rome. The bill does no such thing. It does not repeal a single act which now restrains that intercourse. If we legalized that intercourse, by establishing a commission to inspect and regulate it, we should by that have recognised it. But as the bill stands, it does no such thing. Every act which prohibits that intercourse remains untouched in the Statute Book. The bill admits the Roman Catholics to the exercise of equal civil rights with Protestants, and does not recognise the intercourse with the Holy See. The hon. and learned gentleman, then, has confounded two things essentially different.

The hon. and learned gentleman accuses me of having abandoned the clauses which were found in the bill of 1825, for appointing a commission of Roman Catholic bishops, who should enquire into the character of candidates for ecclesiastical places, and report the same to the Crown. Sir, I did abandon those clauses, because I thought them utterly useless. The commission of bishops was to report on the loyalty of any ecclesiastical candidates. This was invalid as a security. I know not what loyalty means, or how it is to be ascertained. Those who take the oaths prescribed, are to be considered as complying with the obligations imposed by the legislature, and are to be looked upon as loyal. I abandoned the clauses, then, because I thought them useless as a security; and had the Crown appointed a commission of Roman Catholic bishops to enquire into the character of candidates, and report that to the Crown, it would have been, on the part of the Crown, a recognition of the Roman Catholic religion in England; which it is better should not be recognised by the government of this country. For these reasons I abandoned the provisions which the hon. and learned gentleman reproaches me with having given up. The same reasons apply to the clauses for the inspection of the intercourse with Rome, to be found in former acts. Those clauses provided, that what was purely of a spiritual nature should be excepted from the inspection; and this allowed such large exceptions, that I thought it was of no use. With such exceptions, the clause would not have imposed any real restrictions, while the enacting it would have recognised the Roman Catholic Church. It seemed to me better, therefore, to abandon the clause, and not to recognise that Church. Now we do not recognise it, and we do not pretend to possess a security that can never answer the purpose expected from it. For these reasons, then, I abandoned the securities formerly demanded in bills for the relief of the Catholics. It has been well said of them, that they served as a blind to the Protestants, without affording them any effectual security.

Next comes the hon. and learned gentleman's objection as to the oath that a Roman Catholic is to take, disclaiming any intention to subvert the present church establishment, and swearing never to exercise any privilege to which he is or may become entitled, to disturb or weaken the Protestant religion or Protestant government in the united kingdom. The hon. and learned gentleman is not satisfied with the omission of a disclaimer on the part of the Catholics of the exploded dogmas that faith is not to be kept with heretics, and that in certain cases murder may be meritoriously committed. The hon. and learned gentleman says, that I have not inserted in the oath prescribed to the Roman Catholics, a declaration that they are not excused from holding faith with Protestants, and are not bound to kill them. But why should we retain offensive words that are better omitted? We omitted them because it seemed wiser to do so; and now we are charged with having abandoned all security for the Protestant church, because we have not imposed a declaration on the Ca-

tholics, that they are bound to keep faith with heretics, and are not bound to kill Protestants. If the words are omitted, the hon. and learned gentleman thinks that the Catholics will not incur the same penalties as under the act of 1793. The hon. and learned gentleman must recollect that Lord Eldon took part in drawing up the bill of 1791; but he was also attorney-general in 1793. I admit that those who were parties to the act of 1793 are not called on to be parties to this measure, because this act goes much beyond that in the privileges it grants; but the preamble of the bill of 1793 says, that the Roman Catholics shall not incur any penalties, forfeitures, or pains, whatever, more than Protestants, on taking the oaths prescribed by that act. The exceptions in the bill of 1793 were more numerous than those in the present bill. The hon. and learned gentleman says, that the Roman Catholics' oath will not prevent Protestants from entering the House. If this argument is well founded, how does he reconcile it with the declaration of the Dissenters, and with the oath of a Privy-councillor? The declaration of a Dissenter, when he enters parliament is, that he will not use any power or influence he may possess, by virtue of any office he holds, to weaken the Protestant church establishment, or to disturb the bishops and clergy in the exercise of their legal authority. The bill admits the Roman Catholics into the Privy Council, calling on them to take an oath, that they will not use their privileges for the injury of the established church. We are not willing that the Catholics should be excluded, and we are willing to provide for the security of the established church; the reason for introducing the oath is, that similar oaths have been formerly introduced.

The next objection of the hon. and learned gentleman is to the clause which gives the power to the Archbishop of Canterbury to exercise the right of presentation to any ecclesiastical benefice or preferment, in case the appointment to such a benefice shall belong to an office the holder of which is a Catholic. We are willing to remedy any plausible objection to the bill; but if the hon. and learned gentleman has so many objections to make to the measure, why did he not attend the committee, instead of reserving all his objections to this last stage of the measure? An objection was made in the committee, and it was suggested that the archbishop of Canterbury was the best person to hold in his hands any power to present to ecclesiastical preferment. We were willing to listen to that suggestion; but the hon. and learned gentleman reserves his objections to the third reading of the bill, when, if they be well founded, the evil cannot be remedied. The objection of the hon. and learned gentleman, however, is not well founded, when he states that the church preferment of Scotland is to be placed in the hands of the archbishop of Canterbury. The bill does no such thing; and either the hon. and learned gentleman has not read, or has not understood the bill, if he supposes that it vests any power over the Church of Scotland in the hands of the archbishop of Canterbury. The bill does not vest the archbishop with any patronage or preferment whatever. But as there is certain church preferment in the hands of the Crown, which is disposed of under the advice of a responsible minister, should the minister of the Home Department be a Roman Catholic, in that case he cannot advise the Crown in giving away this preferment, which must only be done by a Protestant minister. There are, however, some offices under the Crown, such as the chancellorship of the duchy of Lancaster, which bestows on its holder, *virtute officii*, a right to present to certain ecclesiastical preferments; and the bill provides, that if such offices are held by a Roman Catholic the presentation to those preferments shall be exercised by the archbishop of Canterbury. Now it does so happen, that in Scotland there is not a single civil office which has annexed to it any church patronage. In this case, then, of such offices as I have alluded to being held by Catholics, the patronage belongs to the archbishop of Canterbury: the presentations by the Crown must be made by the advice of a responsible minister.

The next objection made by the hon. and learned gentleman was to the clause relating to the scholastic establishments. The hon. and learned gentleman objects to the words "ecclesiastical schools;" but in fact, the bill makes no alteration in the law in this respect, and Protestant foundations will, as heretofore, have only Protestant masters. We have foreseen this objection, and we come prepared to leave out the words "schools of ecclesiastical foundation," so as to make the clause apply to schools generally. The act will not then give any persons any new powers in this

respect, nor entitle them to any exception, which they do not now possess. The bill will then leave the Catholics their schools, and the Protestants theirs.

The next objection of the hon. and learned gentleman is, that all the penalties are pecuniary; and that the offences are to be prosecuted at the discretion of the Attorney-general, who may be a Catholic; or, if willing to prosecute, the minister may be a Catholic, and appoint another Attorney-general. In the first place, the House must suppose the Attorney-general unwilling to prosecute; but the hon. and learned gentleman might have recollected that some Attorneys-general, at least, have some respect for the oath they take. In the next place, the penalties are not altogether pecuniary; if the hon. and learned gentleman had read the whole clause, he would have found that the four last lines stated that the person should lose his office. The clause is this:—

“And be it enacted, That if any person professing the Roman Catholic religion, shall enter upon the exercise and enjoyment of any office or franchise, or of any office or place of trust or profit under his majesty, not having, in manner, and at the time aforesaid, taken and subscribed the oath hereinbefore appointed and set forth, then, and in every such case, such person shall forfeit to his majesty the sum of two hundred pounds; and the appointment of such person to the office, franchise, or place, so by him held, shall thereupon become altogether void; and the office, franchise, or place, shall be deemed and taken to be vacant to all intents and purposes whatsoever.”

Sir C. Wetherell.—“Thereupon!” that is, on the recovery of the penalty.

Mr. Peel.—If the hon. and learned gentleman had stated this new objection in the committee, he would have brought it forward in the proper place. As it is, I doubt whether the voidance of office depends on the recovery of the penalty. If it shall be considered to do so, I am willing to qualify the clause by the omission of the word “thereupon.” I think, by the act, the office is clearly void, even if the penalty were never enforced. However, I have no objection to meet the hon. and learned gentleman, and if the forfeiture depends upon the recovery of the penalty I shall have not the slightest hesitation in making it depend on the refusal to qualify.

Sir C. Wetherell.—Recommit the bill, then.

Mr. Peel.—It is not necessary to do so, merely for the purpose of omitting “thereupon.” I hope gentlemen will not avail themselves of my desire to cure any defects that may exist in the bill needlessly to retard its progress. The hon. and learned gentleman must not suppose, because we are willing to listen to reasonable objections that we will delay the measure.

The hon. and learned gentleman seems also to think, that the penalty of £200 is not sufficient. What success, I would ask, attended the old Penal-laws, and are we to revert again to them? A moderate penalty will be more likely to be exacted than a severe punishment inflicted; and I believe the penalty will be more efficacious in preventing a violation of the law, than severe penal enactments. I certainly did not expect, at this stage of the discussion, that I should have had to answer legal and technical objections. I expected that all the discussion this evening would have been on the principle of the bill, and not that the speech of the hon. and learned gentleman, which he was burning with impatience to deliver, was to have been a speech fit only for a committee. He was not content with the opposition which he might have given to the bill, when in progress: he could not restrain his impetuous enthusiasm, and be at peace until he had given vent to his speech. Certainly, for a gentleman who bore the exclusion of Papists from parliament with such exemplary resignation, the hon. and learned member bore his own exclusion with great impatience. An hon. member has said, that we begin by burning the slighter ornaments of the edifice, heedless of the flames by which the more solid and important portions are becoming enveloped—somewhat after the manner of York Minster. We are not labouring under the delusion attributed to the incendiary of that noble edifice, and the hon. gentleman is mistaken in believing that we are about to be enveloped in the flames. However, I give the hon. gentleman the benefit of the plea which, no doubt the hon. gentleman denies to me, and am ready to admit that the hon. gentleman, perhaps like the person already referred to, is labouring under a delusion. I submit, that notwithstanding the hustings’ speech directed by the hon. gentleman against my hon. and learned friend, the Solicitor-

general, the hon. gentleman has made no impression in that quarter. Neither in the speech of the hon. and learned member for Plympton, nor in that of the other hon. gentleman, can I find any answer to the question—what is to be our policy in the event of our refusing this measure? They had not said one word calculated to lead the House to adopt any other course, in the present emergency. I have this morning received a Letter from the highest authority in Ireland. It is a private communication, but I cannot refrain from reading one sentence of it, which ought to be more conclusive with hon. members than any thing which I can say upon the subject. The Letter is dated the 27th of March, and states that the amelioration already effected in the social, even still more than in the public peace of the country, since the intentions of government became known, is matter of general astonishment; that the violent, but well-meaning men of either side are retracting their formerly expressed opinions. This impression, which comes from the highest authority, is confirmed from all quarters. There are many violent persons in Ireland, but both classes have received this measure in a manner which does them the highest honour. In many districts, acting without concert or communication, they considered this an opportunity of reconciling the animosities which had existed for many many years. They said, “if parties in the legislature are prepared to lay aside differences of many years standing, let us copy their forbearance, and by our exertions, anticipate the effect of the measure preparing for us by the wisdom of parliament.”

The rejection of this measure, will be productive of danger to a degree which can scarcely be credited. It will destroy the reconciliation which had been already effected: it will elevate the lower classes of partisans on one side, and depress them on the other, and will thus widen, to a most lamentable extent, the breach which is almost healed between the two parties. That is a consideration to which I am sure every member of the House will give its due weight; no matter what objection he may have to the abstract policy of these measures. He may think that we are in the wrong;—he may condemn us for acting as we have done; but it will be perfectly consistent in him to argue, that having once brought such measures forward, we cannot avert the evils which are inseparable from their rejection. On these grounds, I entreat the House, and every member who has influence in the House, to pause before they come to a judgment this night. I am willing to submit my conduct to public revision, but I must at the same time contend, that if any member thinks that the consequence of rejecting these measures will produce a state of things very different from that on which he previously proposed to himself to give his vote, he will be more consistent in giving his vote conformably to the new state of things, than in adhering to his former vote, in a state of things which is completely altered. I trust that the time is now fast approaching when we shall for ever have done with the consideration of this question. If we were enabled to extricate ourselves from the innumerable mazes and ramifications of it,—if we were enabled to say that our time shall no longer be wasted, by receiving petitions either in favour or in opposition to the Catholic claims—if we were enabled to disencumber ourselves of this endless Catholic question, and to turn to other objects the thirty or forty days which, for sessions past, we have dedicated to it—even thus far we shall be conferring a great benefit on the country. The discussions have, at all times, been most painful to me; but I beg, notwithstanding the imputations of inconsistency to which it may subject me, to claim for myself the privilege, and not merely to claim the privilege, but to assert the bounden duty of every man who contracts such an obligation as I have contracted to the king, to give his Majesty advice, not with reference to speeches which I may formerly have delivered in this House, but with reference to the state of affairs in which the country may at any time be placed. And then, however doubtful it may be whether I shall entitle myself, by my conduct, to the gratitude of posterity—however painful it may prove to me to dis sever party connections—and I have this night received a formal menace, that all such connections shall be severed—still those are consequences which ought not to weigh with one who has undertaken the responsibility to the Crown and to the country. Different circumstances compel different courses of action. The minister of the Crown is placed in a different situation from the ordinary member of parliament; he is bound to weigh circumstances which others may overlook, and whatever may be the imputations to which he exposes himself, he is bound to give the best advice which it is in



his power to give. My hon. friend the member for Liverpool has told me shall find great lukewarmness hereafter among those, whose good opinion I hitherto been proud of securing. I know my hon. friends too well to suppose they have been influenced either by private or by personal considerations, for the support which they have given me formerly, and I am sure that they will steer their future course in such a manner as will tend to the promotion of the public interest—not to the annoyance of a particular minister. I cannot purchase their support promising to adhere at all times, and at all hazards, as minister of the Crown, to the arguments and opinions which I may have heretofore propounded in this House. I reserve to myself, distinctly, and unequivocally, the right of adapting my conduct to the exigency of the moment, and to the wants of the country. The hon. member for Dover has told me, that I must cling to this opinion, and that it is necessary I should screw myself up to the other opinion, at all hazards; but the hon. member has not assigned a single reason for the advice which he has given me. I will leave the hon. member, to use the metaphor of the gallant admiral near him, that it does not always follow that the pilot is bound to steer the same course to guard the ship from danger; and that when different winds are blowing, it is absolutely incumbent on him to take a different course to save the ship from those dangers, which, if they are incurred, must lead to the inevitable loss, not only of the ship, but also of her cargo. That has been the opinion of all former statesmen, at all times and in all countries. My defence is the same with that of all others under similar circumstances, and I shall conclude by expressing it in words more beautiful than any which I myself can use, I mean the words of Cicero:—*“Hæc didici, hæc vidi, hæc scripta legi; de sapientissimis et clarissimis viris, et in hac republica et in aliis civitatibus, munimenta nobis literæ prodiderunt—non semper easdem sententias ab iisdem sed quæcumque reipublicæ status, inclinatio temporum, ratio concordie postularent, defendas.”*

At the close of the debate, Sir J. Yorke said,—Mr. Speaker, I hope I may conclude the discussion on this bill with a parliamentary toast—“May the six kingdoms be united, and may they live hereafter together like two brothers.”

The House divided; for the third reading, 320; against it, 142. Majority, 178. The bill was accordingly read a third time.

After the third reading of the bill, Colonel Trench offered the following clause—“That no Christian pastor do prohibit the use of the Holy Scriptures, under penalty of misdemeanour.”

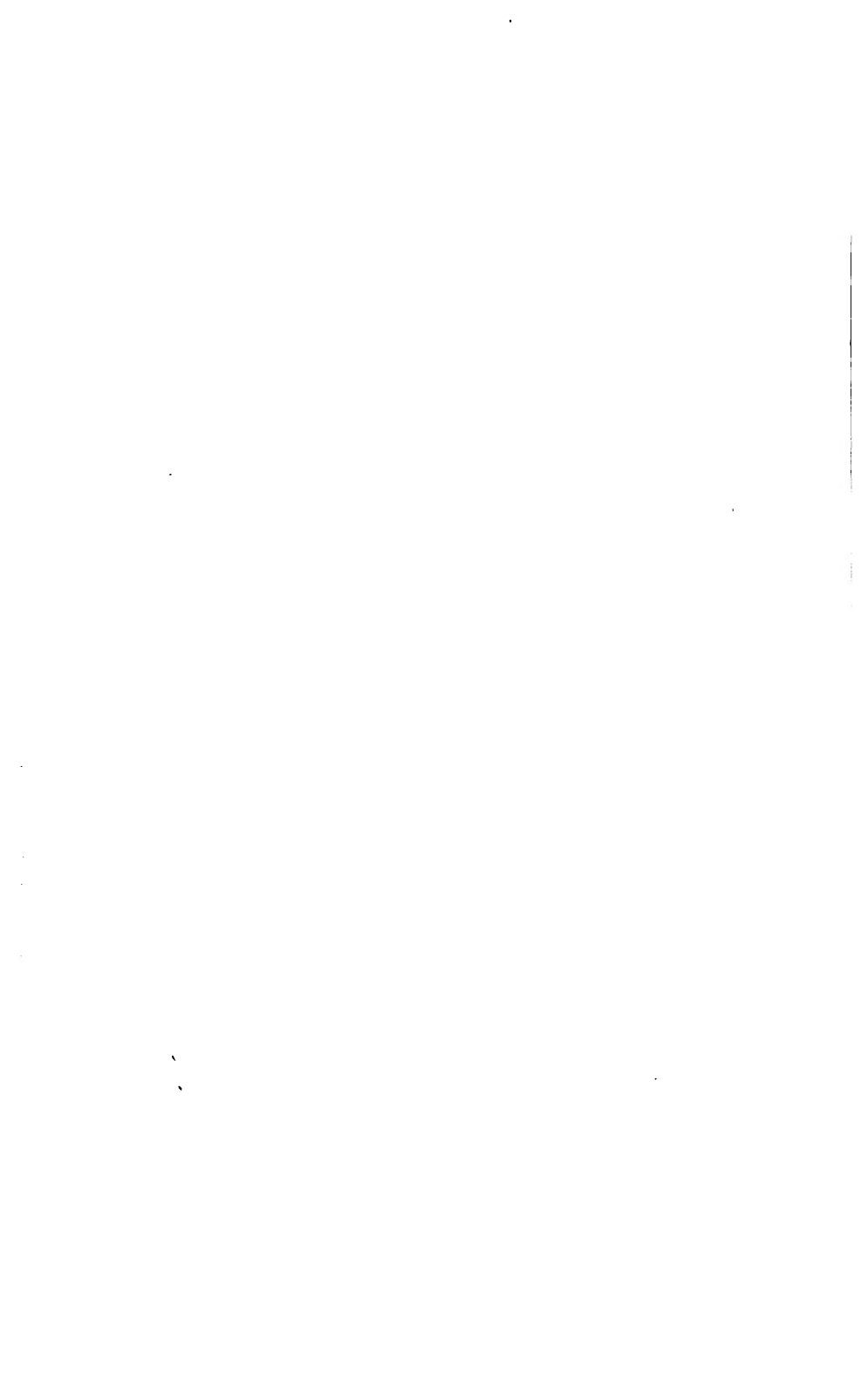
The motion was negatived.

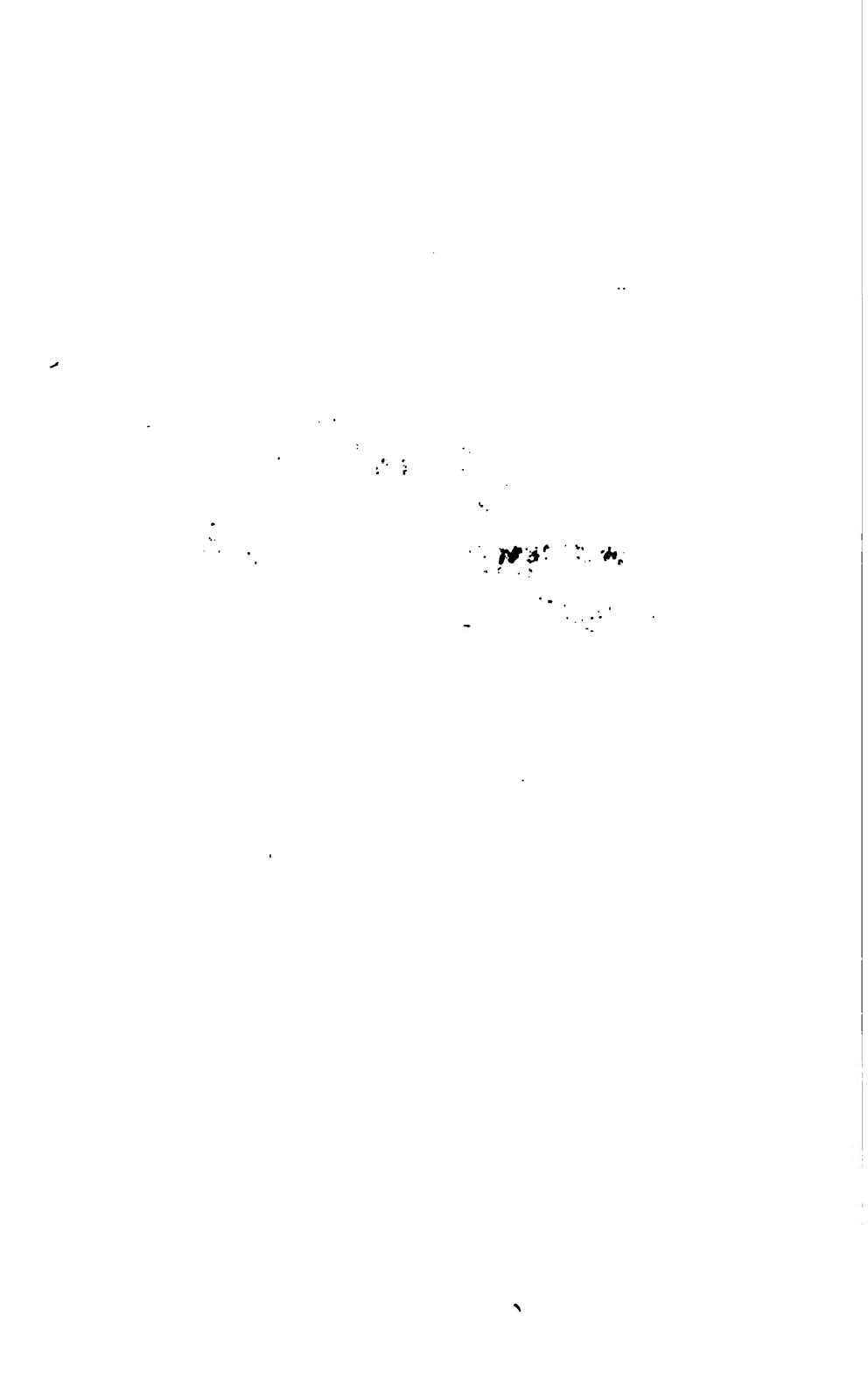
Colonel Sibthorp then offered the following clause:—“That no Roman Catholic member of a corporation do vote in the disposal of funds for charitable purposes.”

Mr. Peel observed, that the amendment was unnecessary, as all the parties who were objects of such schools or foundations must be Protestants.

The House divided: for the amendment, 17; against it, 233. Majority, 216. The bill was then passed. The Qualification of Freeholders (Ireland) Bill was next, on the motion of Mr. Peel, read a third time and passed; and at a quarter before four o'clock in the morning the House adjourned.

END OF VOLUME FIRST.





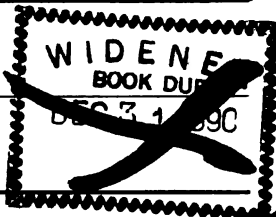
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